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ELEMENTS OF MORAL THEOLOGY

BASED ON THE

SUMMA THEOLOGICÆ OF ST. THOMAS AQUINAS

BY

JOHN J^MELMENDORF, S.T.D.

LECTURER IN MORAL THEOLOGY AT THE WESTERN THEOLOGICAL
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PHILOSOPHY IN RACINE COLLEGE, U.S.A.



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*Quomodo dilexi legem Tuam, Domine:
totâ die meditatio mea est.*

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THIS HUMBLE ATTEMPT
TO ADVANCE SOUND MORALS IN THE CHURCH OF GOD,
ACCORDING TO THE LAW OF GOD,
IT IS MOST RESPECTFULLY AND DUTIFULLY
DEDICATED BY
THEIR SON AND SERVANT
IN CHRIST AND THE CHURCH.



St. Menly Lt
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✠ IMPRIMATUR.

An unlimited *imprimatur* has not been requested, and could not be expected for this first edition of the **ELEMENTS OF MORAL THEOLOGY**; but episcopal approbation, expressed in general terms as follows, has not been lacking. The author can only add that, if in any, even the minutest particular, he have deviated from the Divine law as given by the Catholic Church, or as applied to us by that National Church to which he most directly owes loyalty and submission, he makes in advance a humble retraction of any such statement.

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Western Theological Seminary,
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PREFACE.

THE reader of these Elements of Moral Theology, a student, as I hope, of this great science of God's law, will doubtless indulge the writer in a few prefatory words. My humble office is that of editor rather than that of author. But even as such I would gladly have resigned the task to abler hands if any such had appeared. My best hope is that this poor attempt will soon be superseded by something better. I have called our study a *science*, for such it is; *sc.*, the science of the law of God, as given to man, in whatever way it is given. This definition distinguishes it from Moral Philosophy, which seeks to account for and develop, from reason only, the laws and principles of right living. Moral Theology, on the other hand, is the science of the Divine Will as revealed to man.

Well understood, these two must needs coincide, although their methods may be different. Moral Theology, making use of the other, is also grounded on it, as that in turn is grounded on the nature of man and the being of God. Both the philosophy and the theology, therefore, require a sound psychology, and a true theosophy, which in these Elements are assumed. For, like every other special science, Moral Theology has its assumptions—*e.g.*, that the law of God is revealed in Holy Scripture; that the Catholic Church has authority to apply that law, and to add positive laws, under the guidance of the Holy Ghost, which bind the conscience of every Christian man; and that the gifts of gracious help for the due keeping of God's holy law are freely bestowed through the ordained channels of grace.

Like every other science, also, Moral Theology has its disputed topics. There are many propositions contained in these Elements which, if properly discussed and defended against all attacks, might fill many volumes. It should be, indeed, and it has been, the aim of the writer to assert dogmatically nothing which is not accepted by the masters of our science ; but further than this no scientific manual can go. It would be absurd to expect that a primer of astronomy should give a demonstration of every assertion. It may be justly required that principles laid down shall be consistent with one another, make a harmonious system, and be capable of demonstration or verification. No more, I think, can be demanded.

But our science is indispensable for the priest who is *ex officio* the teacher of God's law. "The priest's lips should keep knowledge, and they should seek the law at his mouth, for he is the messenger of the Lord of Hosts" (Mal. ii. 7). Although the Holy Scriptures are the supreme source of that law, yet in them truth and righteousness are only gradually revealed, and with special application to the special cases which elicited the Divine enunciations. Moral Theology stands or falls with Dogmatic Theology, both being equally needed for intelligent understanding and application of revealed truth and law.

And not only does the pastoral office imply a capacity to speak with knowledge as well as with authority, in public teaching or private counsel ; the injunction, also, to "heal the sick" requires a knowledge of inward diseases. Above all, no priest should, except in case of extreme necessity, receive confessions, who is not duly instructed in Moral Theology and casuistry.

These elements, as their title indicates, are chiefly based on the *Summa Theologiæ* of S. Thomas Aquinas. For the contributions to our science in the Anglican Church since the Reformation have been very, very few. See the list provided for students of theology by the bishops of the

American Church ; and the chief among those few—*sc.*, Bishop Taylor and Dr. Sanderson, afterwards bishop—based their work chiefly on the common sources of older Moral Theology. (See Whewell's *Hist. Moral Phil.*, Lect. 12.)

Of the numerous contributions to our science in the modern Latin Church I have made moderate use and with great reserve. A very large part of their minute casuistical distinctions are based on a very different practical discipline of the Christian life from our own.

The first three parts are not a translation of the *Summa Theologiæ* of S. Thomas Aquinas ; much less are they original work.

They are not a translation ; on the contrary, I have avoided, as far as was possible for me, the peripatetic modes of expression which mark the Angelic Doctor's work. I am perfectly aware that, in doing so, precision of thought and expression is, more or less, sacrificed, and I am the farthest possible from being satisfied with the result. But, remembering that few are trained in scholastic philosophy, while every priest, at least, has absolute need of the first principles of Moral Theology, I have dared to hope for some benefit to the student, even from so poor an effort.

Peripatetic expressions are avoided "as far as possible," but Aristotelian thought and terminology are too deeply engrafted on the language of common life to render such an avoidance completely possible.

A considerable part of the *Prima Secundæ*, valuable in itself, did not seem essential to these rudiments of Moral Theology. Such portions have been greatly abridged, or wholly omitted.

What I have thought needful to add, however, is generally relegated to Part IV., the Supplement. But even for that all claim to originality is explicitly discarded. What place for originality is there when we are to treat of that Holy Law which has been, once for all, Divinely given ? Moral phil-

osophers may ingeniously demolish all preceding theories, and try their hand at original reconstruction. But Moral Theology can only enunciate, systematize, and apply the Law of God. The first two have been so well done by S. Thomas Aquinas that he would be a bold teacher who should try to do so over again. But the application of that holy law to each changing cycle of the world's history opens new and gravest questions. As the world moves, so must Moral Theology move in order to direct aright.

I have not ventured to ignore all new problems in casuistry, the application of Moral Theology to the practical guidance of life. I trust that the road previously marked out has been carefully followed. But problems which seemed to call for further discussion have been indicated as "Queries," even when I have been tempted to give a brief and dogmatic answer.

In the Supplement, citations from the common and civil law are introduced because these are among the highest applications of the natural virtue of justice, and because duty under such law is part of the revealed will of God. Moral Theology, therefore, cannot omit all reference to this part of its subject-matter. The writer has not aimed at completeness in this respect. He has selected what seemed illustrative of his subject, or of special practical value.

And he takes this opportunity to make cordial acknowledgment of the valuable aid in careful revision of the text afforded by H. H. Martin, Esq., Counsellor-at-law, Chicago, Ill.

The priest will, of course, notice that all such general statements of civil law, however correct in form, are practically limited by exceptions and qualifications, so that the advice of an expert is the only prudent course to be followed. Statements made in the Supplement must be so construed.

It only remains that the writer lay this poor attempt at enunciating the will of our one Lord at His blessed feet,

publicly entreating pardon for its errors, and asking the prayer of every Christian reader to the same end.

“Unusquisque offert ad tabernaculum Domini quod potest, alius aurum, argentum, gemmas; alius pelles aut pilos caprarum. Omnibus enim his opus habet Dominus, et placet voluntas æqualiter eorum qui inæqualiter offerunt.”
S. Jerome.

J. J. E.

WESTERN THEOLOGICAL SEMINARY, 1892.



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ERRATA AND CORRIGENDA.

- Page 13, line 17, for "voluntary ignorance," read "voluntary negligence."
- Page 20, line 20, for "without any passion," read "apart from" (over and above).
- Page 32, line 13, for "qu. vi., art. 8, read "See page 12."
- Page 35, line 11, for "the highest good," read "perfect good."
- Page 36, line 13, for "falling," read "willing this or that."
- Page 65, 4th line from foot of the page, for "latter," read "former."
- Page 80, line 24, for "the second order," read "the first order."
- Page 127, for 4th line, substitute "and an approximation to this is attainable only," etc.
- Page 178, 2d and 3d lines from foot, transpose "former" and "latter."
- Page 181. Transpose interrogation point to the end of 3d paragraph.
- Page 204, for 2d sentence from foot of the page, read, "But in such association the reason of love is the union of a man *with his neighbour* in a common relation to God."
- Page 276, line 3, for "virtue requires," read "virtue recognizes."

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MORAL THEOLOGY.

PART I.—INTRODUCTION.

CHAPTER I.

ON BEATITUDE.

§ 1. What is man's ultimate end?

Man, as a free and rational agent, directs his actions for the attainment of some end.

Those actions are properly human which are characteristic of man as man. Now he differs from irrational creatures in having lordship of his acts. Such acts are properly human. But man is lord of his acts through reason and free will, whereby he chooses to do what he does. Other acts of his may be called actions of a man, but they are not properly human, since they do not proceed from that deliberate will which is characteristic of man as man. And since every power is directed to its appropriate object, and the object of the will is some end, some good, it is evident that human acts are for the attainment of some end. This end may be last in execution, but it is first in the agent's intention. It is therefore called the *final cause*.

The very action itself may be the ultimate end, but still it is voluntary. The human power called the Will may produce something objective to itself, as walking or talking for some remoter end; or it may will the action for its own sake. Then this action is the end which the will aims at.

To act for an end is peculiar to a rational creature directing self towards that end.

Every agent in the universe in acting is directed towards some end. Otherwise, it would no more produce any one result than any other. In order that it shall produce a determined result it must have a direction (from without or from within) towards that result. But in a rational being this is done by that rational seeking of an end which is called the Will. An action or motion may tend to its end from either of two causes : either because the agent moves itself towards that end, as our consciousness informs us that man does ; or because it is directed by another, as an arrow moves towards the mark. Rational beings move themselves towards the end, because, through free choice, they have lordship over their own actions.

This then is peculiar to a rational being, for if the brute has not this power, he may apprehend the immediate end of his actions, but he does not, properly speaking, move himself towards it, nor know the ultimate end. Some other and a rational being is needed to direct the brute towards that ultimate end. He may, and doubtless does, seek some particular good for himself ; but the notion of the good in general as the object of action he has no power to comprehend.

Human acts are moral acts.

As such they differ in kind according to the ultimate end aimed at. For this is prior in intention. Each act, indeed, is directed to some immediate end which determines the species of act. But the same specific act, the killing of a man, for example, may be directed to various remoter ends. And these remoter ends will determine the moral character of the act as good or bad.

There is an ultimate end in human action.

The end directly sought may have a remoter end for

•

which it is the means ; but it is impossible that there should be regress of this kind *ad infinitum*. In such a chain if you take away the first link, you annul all that follow. In ends there is a two-fold order : that of intention, and that of execution ; and in both there must be a first. That which is first in intention is the mover of the desire for all that follows from it. Take away this, and that desire is moved by nothing. The first in execution is that from which operation begins. Take that away, and no one begins to do anything. But the ultimate end is that which is first in intention ; other things are willed only as means to attaining this. And the first in execution is the first of those means to attaining the end desired. On neither side is it possible to proceed *ad infinitum*. For if there were no ultimate end nothing would be sought, no action determined to an end, no aim would rest in anything. And, on the other hand, if there were no first in the means used, no one would begin to do anything, no plan would be determined in any direction.

All this is true, however, of a connected order only. Where there is none, there may be an indefinite number of aims or means.

One man can make, at one time, only one thing his ultimate end,

Because each one seeks that as his ultimate end which is for him the perfect good that rounds up and completes his nature. This is for him his good. It fills up his desire and leaves nothing more to be sought for. Therefore there cannot be two such objects of desire. Men may seek at once pleasure, rest, goods of nature, virtue ; but all these as going to make up that one perfect good which is the ultimate end.

All things which man seeks for, he seeks on account of the ultimate end,

Because whatever man seeks for he seeks as good, if not

as the perfect good which is his ultimate end, yet as tending towards that. It is not necessary that that ultimate good should be consciously in the mind at the time, but its power remains in every desire. So it is not necessary that he who is going anywhere by a road, should at every step think of the end of his journey.

Do all men seek the same ultimate end?

The question admits of two answers. If we have in mind the (subjective) idea of that end, since all seek their perfection, all agree in seeking one end. But if we speak (objectively) of that in which the notion of such perfection is found, by no means do all agree, since some make riches the perfect good, others, pleasure, and so on. So tastes differ, though all like the agreeable. Even in sinning, man seeks a seeming good. Different courses of life result from men's finding their ultimate good in different objects.

§ 2. What is beatitude?

Is it any created thing?

Our term, "the end," is equivocal, since it may mean either the thing which we desire to obtain, or the getting, the possession, use, or enjoyment of that thing.

Thus the avaricious may desire money simply for itself; the ambitious, the pleasure-seeker, for what it gives. In the first sense, the ultimate end of every man is uncreated good, even God, because He only, by His infinite goodness, can perfectly satisfy our will. But in the other sense, the ultimate end of man is something created, and existing in himself, *sc.*, the obtaining and the fruition of that ultimate end. Men obtain beatitude by participation in the perfect beatitude of God.

Beatitude is perfect activity.

For it is the final perfection of man. But nothing is perfect in which any power remains in purely potential ex-

istence. Beatitude, indeed, is said to be eternal life (Rom. vi. 22) ; but life, in this sense of the word, is not mere existence ; it is the fulfilment of the operations of life (S. John, xvii. 3). Such operations of the inward life are thinking, feeling, willing. Such can constitute beatitude.

Perfect beatitude is not to be found in this life ; for that activity of the soul in which man may find some imperfect union with his heavenly Father cannot be uninterrupted union. There may be some participation of beatitude, but its fulness can only be found where there is one, continuous, uninterrupted union with God.

This beatitude has not its seat in the sensitive nature, sc., in the feelings and sensations by which we now attain to intellectual truth. Its seat is in spiritual reason and holy will. Yet true it is that in the resurrection this perfect beatitude may overflow into the lower parts of the perfected human nature. It is the vision of God, of which S. John spoke (1 Ep. iii. 2). This leaves nothing more to be desired and sought for. And it is reason's highest flight and final rest to know the first cause, the source of all that is.

What are the conditions of this beatitude ?

(1) Joy is caused by the rest of desire in the good obtained ; therefore beatitude cannot exist without the concomitant spiritual pleasure.

(2) Three things must concur in perfect beatitude, viz., perfect vision, which is perfect knowledge of the end of reason ; comprehension of the object of vision, which implies its presence in the soul ; fruition, which is perfect delight in the object of love known and possessed.

(3) Rectitude of will is required both antecedently and concomitantly. The first, because attaining to the end implies a due order of the will with reference to that end, and the means of reaching it ; the second, because the

will of one who sees God necessarily loves whatever he loves in its relations to God (Heb. xii. 14).

§ 3. On the obtaining of this beatitude.

It is the obtaining of perfect good.

Man is capable of this perfect good, for his spiritual reason can comprehend it, and his will can seek it; not perfectly under present conditions indeed, but when he has attained to the perfection of the supernatural life for which he was created.

Since beatitude is perfect and sufficient good it must exclude all evil, and satisfy all desire.

In this life all evil cannot be excluded; ignorance, inordinate affections, bodily pains all stand in the way. Neither can all desire be satisfied. For man naturally desires permanence of the good which he possesses; but the goods of this life are transitory; and so is life itself, while man naturally shuns death. Therefore perfect beatitude cannot be found in this life.

If we consider, again, that in which beatitude peculiarly consists, *sc.*, the vision of God, of which man is in this life incapable, the conclusion will be the same. In this life man can only rejoice in hope of it or in some imperfect participation of it.

This beatitude can never be lost.

For, (1) it satisfies all desire, and excludes all evil. But man naturally desires to keep the good which he has, and he cannot be perfectly happy if he thinks that he may lose it. Or if, again, he is deluded by false opinion that he will never lose it, that false opinion is itself an evil, while perfect beatitude excludes every evil.

And (2) this vision of God so satisfies the soul, is so perfectly free from every drawback to felicity, that the blessed

cannot wish to lose it ; God will not withdraw it, which would be penalty for fault ; neither has anything the power to withdraw the soul from this vision. Man is made to participate in the eternity of God, finding his own destiny in this everlasting beatitude (S. Matt. xxv. 46).

Man, by his natural powers, cannot acquire beatitude.

For its perfection is found in the vision of God ; but this is above the nature of every creature. Its natural cognition is after the manner of its being. But the Divine essence infinitely exceeds every created substance ; therefore no creature can by its natural powers obtain this ultimate beatitude. It is indeed the end of man ; but in this, as in other respects, man, having free will, is to use that in turning to the One who alone can make him perfectly happy. The greatness of the end makes him exalted above those irrational creatures which can attain their end, so much lower than his, by their own natural powers.

CHAPTER II.

ON WILL.

§ 1. What constitutes the voluntary and the involuntary ?

Human acts are peculiarly voluntary.

In some actions or motions the impulse which produces them is to be found in the agent, or thing moved. In others, we find an external impulse. Thus we speak of the attraction of the earth towards a stone, and of the stone towards the earth, as if there were an inward impulse producing the motion. But when the stone is thrown upwards, the impulse is from without. But some of those actions or motions which proceed from within are those of self-moving things, others are not. Granting that there is an end or object to be attained by the motion or action, we find that some things act with knowledge of that end ; they act on account of, for the sake of, that end. In these there is not only the impulse to act, but to act for the sake of that end. Where there is no knowledge of the end, which nevertheless guides the action, an external principle or cause must be assumed which possesses that knowledge. Such things are not said to be self-moved, but to be moved by others. But those which have knowledge of the end are called voluntary agents.

Now man knows the end of his operation, and moves himself ; therefore human acts are voluntary.

It may be objected, (1) that his desire is moved by what is desirable. But this does not conflict with the definition of the voluntary given above, for the inward principle of action need not be the *first* principle of action ; i. e., if we

consider some other kind of motion or action, such as is the presenting *ab extra* of some object to our desire.*

Every new motion or action of desire must have an outward antecedent as a condition of the new existence, but this does not hinder the inward motion being self-caused with knowledge of the end, *i. e.*, voluntary.

(2) Man does not act *per se*, for God is the source of all action or change (S. John xv. 5). It is true that God is the first mover of the will, as He is of all natural motions. But in neither case is the action thereby robbed of its proper character whether as natural or as voluntary.

The voluntary may be found where there is no act.

For a thing may proceed from the will not only directly but indirectly. So a shipwreck may result from a negative cause, *sc.*, the pilot who desists from his official duty, when he can and ought to attend to it. In this case he is rightly called the cause of the disaster. For if he were not able to direct the vessel or had no charge of it, he would not be the cause of the event. So the will by willing and acting can prevent the not willing and the not acting. And if it ought to do so, but does not do so, then the not willing and the not acting are imputed to it. Thus, then, there may be an interior act without the exterior, as when we will not to act; or even the interior act may be absent, as when we do not will to act. It is plain, therefore, that there is a difference between the privative concept of being

* This will be rendered clearer to the student if he considers the seven steps in a consummated act of will; *sc.* :

- (a). Natural inclination to the object, which is involuntary;
- (b). Voluntary contemplation of the object by the intellect;
- (c). Complacency in that contemplation (involuntary);
- (d). Desire of the object (natural and involuntary);
- (e). Consent of the will to try to possess the object;
- (f). Rational choice of means for attaining the object
- (g). Voluntary use of those means (Duct. Dubitant., iv. 1, rule 3).

See p. 23.

unwilling, *i. e.*, willing not to act, which is voluntary ; and the purely negative concept of not willing, which causes the involuntary. The same thing is true of the act of cognition which accompanies the voluntary. We may will not to consider ; or we may act inconsiderately in a simply negative sense, which so far goes to make the action involuntary.

Can the will be forced ?

The act of the will is two-fold : (1) the immediate willing, which, we may say, is elicited by the will itself ; (2) acts commanded by the will (*i. e.*, by ourself), and accomplished by the mediation of other powers, as walking or speaking.

As respects the second, the will can be said to suffer violence, since the members of the body may be hindered from doing what we will. But the will itself (our proper self) can in no manner be forced. For its act is one proceeding from an inward, conscious principle ; but force is external, and contrary to the very nature of the will. The man can be violently dragged, not his will.

It may be objected (1) that God is all-powerful, and can move the will irresistibly (Prov. xxi. 1). But if this were by force, it would not be with the act of the will ; the will would not be moved, but something accomplished against the will.

(2) The will indeed is moved by that which seems to it to be desirable. But this is not violence, for that means what is contrary to the nature of the thing passively acted upon. In all alterations or generations of things there is an inward disposition which may make the change natural. So is it with the will.

(3) But is not the act of sinning against nature ? And does not the will therefore suffer violence therein ? The answer is, yes, and no. That to which man tends in the act of sinning is indeed against a rational nature, but it is apprehended nevertheless as good and suitable to the perverted nature of the sinner.

Violence therefore causes the involuntary, so far as acts commanded by the will are concerned.

Observe, also, that when the will does not actively contribute to the result, it may do so passively by consent. And the action of the man, though produced simply by an external agent, will not in that case be properly involuntary.

What shall we say of the effect of fear ?

Actions done through fear have a mixed nature. In themselves considered they are not voluntary, yet they are conditionally so : *sc.*, in order to avoid an evil which is feared. Simply they are voluntary, and involuntary *secundum quid*. The individual act, here and now and under its other individualizing conditions, is willed, *i. e.*, is voluntary. So goods are voluntarily thrown into the sea, in order to preserve the vessel. But the action may be viewed in a general way as apprehended in thought apart from the special conditions. So viewed it is not willed ; therefore it is involuntary *secundum quid*.

(Grave fear, therefore, does not totally excuse actions which are intrinsically bad ; but it may diminish their guilt.)

Force and fear differ not only in reference to present violence and future injury dreaded, but also in that the will does not consent at all to the one, but does to the other, not on its own account, but on account of something else, *sc.*, the avoiding of the dreaded evil. But not only is that voluntary which we will for its own sake as the end which is sought for, but also that is voluntary which we will as means to an end. The will then contributes something in what is done through fear.

Does concupiscence cause the involuntary ?

(Understand by this term the motions of the sensuous nature opposing the spiritual nature, while they are seeking

some pleasurable good.) Instead of concupiscence causing involuntary action, it is rather to be said that it renders action voluntary. For by concupiscence the will is inclined to will that which it so desires (that which *we* desire).

The passion of fear is different; for it directly regards the evil, which is contrary to the nature of the will; whereas the seeming good is in agreement with its nature.

The incontinent, it is true, may act contrary to his previous purpose, but he has changed his purpose; so that his act becomes simply voluntary; while, on the contrary, the fearful man acts in opposition to that which at the time and in itself he wills.

It may also be objected that the voluntary act requires cognition of it, which cognition concupiscence tends to destroy. And it is true that if that concupiscence should totally take away reason, it would at the same time prevent voluntary action. But then the man would be insane, and his action would be neither voluntary nor involuntary. But sometimes, also, cognition of those things which are done through concupiscence is not totally destroyed. It is only actual consideration of the particular thing which is to be done which is thus taken away. Yet this very want of consideration is in the power of the man, for he can resist his passion, and choose to consider if he will.

Does ignorance cause the involuntary?

I answer that that ignorance does so which takes away that knowledge which is requisite to make action properly voluntary. But it is not every kind of ignorance which does so. With respect to the act of will, ignorance has three relations: (1) concomitant; (2) consequent; (3) antecedent.

(1) The first is when there is ignorance of that which is done, and yet, if it were thoroughly understood, it would still be done. Ignorance is not the cause of the act of will, but is, as it were, accidental to it. So some one wishes,

indeed, to kill his enemy, but ignorantly shoots him while aiming at a deer. Such ignorance produces not the involuntary, but the not-voluntary. That is, the act is neither voluntary nor involuntary.

(2) The second is when the ignorance itself is voluntary in one of two ways: (a) when the ignorance is directly willed, wilful ignorance, in order to have an excuse for sinning, or in order not to be prevented from sinning (Job xxi. 14); (b) when there is voluntary ignorance of that which one can and ought to know. In this way one does not actually consider what he can and ought to consider, which is the ignorance of an evil choice, either from passion or from previously existing habit. Or, again, one does not take pains to acquire the knowledge which he ought to have. So, in human law, ignorance of that which one is bound to know is treated as voluntary, since it proceeds from antecedent, voluntary ignorance.* Such ignorance does not cause the involuntary, speaking simply, but only the involuntary *secundum quid*, since it precedes the act of will which produces the action in question, which would not have been done, say something done in heat of passion, if full consideration of it had been present.

(3) The third is when the ignorance is not voluntary, and yet it is the cause of the willing what would not otherwise have been willed (invincible ignorance). One may be ignorant of something connected with his act which he was not bound to know, and consequently he may do what he would not have done if he had known that circumstance. For example, he is firing his rifle with all requisite precautions, and shoots a man. Such ignorance causes the simply involuntary.

* Common law makes no excuse for ignorance of the law, because it is so easily counterfeited. Ignorance of the fact may be complete or partial justification (Blackst., iv., p. 25).

§ 2. On the circumstances of human acts.

Whatever we consider to be outside of the substance of the act, and yet to pertain to it in any manner (so that that individual act could not exist without these conditions, i. e., is inseparable from them), we call its circumstances, its accidents.

For three reasons Moral Theology must consider these circumstances: (1) because it views human acts in their relation to man's beatitude, and these acts are fitted to it by due circumstances; (2) it considers acts as they are moral in various degrees of goodness and badness, which circumstances vary; (3) it considers human acts as meritorious or blameworthy, and this view of them requires that they be regarded as voluntary, and they are judged to be voluntary or involuntary according as there is knowledge or ignorance of the circumstances of the act. Note, however, that we are not speaking of all accidents of the act, but of those which are related to its end as a moral thing.

Aristotle (Nic. Eth., iii. 1)* wisely makes eight circumstances of an act: *quis, quid, ubi, quibus auxiliis, cur, quomodo, quando, circa quid*. These are connected, first, with its cause; (a) the final cause (why?), some end connected with the act, as when one acts courageously in order to save his country; (b) the material cause, or object (what?), the outward act; (c) the efficient cause or agent (who?), i. e., the peculiar state or condition of the agent as constituting a special circumstance of the action, as when a police officer shoots a criminal escaping from arrest; (d) the instrumental cause (with what instruments?).

* The student should be reminded, once for all, that in the science of practical ethics our author closely follows the Nicomachean Ethics of Aristotle. But our divine science, while employing a work which still, perhaps, remains without a rival in its own sphere, lifts up natural and rational ethics to a far higher plane, places them before the throne of God, and subjects them to His revealed law.

Secondly, the act itself has its circumstances : (e) when ? (f) where ? (g) how ? in what manner ?

Thirdly, the effect or result of the act (h) what ? Thus, in pouring water on the hands, the cooling or the washing of them is a circumstance of the act.

§ 3. Acts elicited by the will. 1. The end. What is willed in reference to the end.

The end which we will is only the good, or the seeming good.

For will is rational desire. But desire can never be of anything except the good, *i. e.*, what is so regarded. For desire is an inclination to that which appears to be in some way suited to that which seeks for it. Our avoiding evil may be called unwillingness (*noluntas*, not *voluntas*). It is true that we sometimes will non-entities, as not to walk or not to talk ; but these may be called entities of reason, *i. e.*, negations regarded as desirable and so chosen and willed.

Do we will also the means to the end ?

I answer that we may consider our power of willing, or the immediate act of the will. If the first, we see that the idea of the good and desirable, which is the object of the will, is found not only in the end, but in the means to that end. But if we speak of the act of willing, it is principally and properly of the end alone. For that is on its own account good and is willed. But the means are not deemed good and willed for their own sake, but in order to the end. Our will is directed to those means only as it is directed to the end which is in view ; therefore, what in them we will is the end.

§ 4. On motives.

Is the will moved by the reason ?

A power which is potentially capable of many results

needs to be directed by some actual thing in order that it may be actually exercised. But a power of the soul is two-fold in this respect: first, it is capable of acting or not acting; and next, it can act and produce this or that. It therefore needs a motive, first, to produce action, next, to determine the act produced. The first depends upon the agent himself; the second upon the object from which the act gets its "specification." The first takes its origin in the end sought for. The good in general being the object of the will, in this regard the will moves the other powers of the soul to their appropriate acts; for we employ those powers when we will to do so. But the intellect presents some object conceived under a general notion, and so determines the will to that specific object.

In like manner the imagination presents some desirable individual thing to sensuous desire, and, if it is viewed as desirable or injurious, it moves that desire.

It is, then, the practical, not the speculative reason, which we are now considering. And it is true to say both that the will moves the reason and that the reason moves the will; the first, in producing the exercise of its function; the second, as determining the act of will.

Is the will moved by sensuous appetite?

Anything appears good and agreeable from two circumstances; *sc.*, first, from the condition of that which is presented; next, from the state of that to which it is presented. The agreeable is a relation which depends upon each of the things related. Thus the sense of taste in different conditions finds the same thing agreeable or disagreeable. Now any passion of the sensuous appetite changes the disposition of a man. Under the influence of that passion a thing appears to be agreeable which would not so appear under different conditions. It is so in the case, *e. g.*, of an angry man. In this way sensuous appetite moves the will.

Thus the inferior power may have strong influence over

the superior. And this is especially true because actions and choices concern individual things; and such are the objects of sensuous desire, not those general notions which belong to the sphere of reason. Reason, indeed, has natural authority over passions; but, as Aristotle remarks (*Polit.*, i. 3), its sway is not despotic, but limited; *i. e.*, the passions can make resistance.

Is the will self-moved?

I answer that the will in willing the end moves itself to will what is requisite in order to reach that end. This is not saying that it moves itself in all respects, but that when it actually wills the end, then its power, by its own activity, becomes actual in respect of the means.

Is the will moved by any external moving and efficient cause?

I speak now of the very exercise of its act of willing, not of the determination to this or that object. It is a universal principle that any agent which is not continually acting needs, in order that it may change from its passive state of power to actual exertion of it, some external impulse. But it is manifest that we begin to will what previously we were not willing. According to this universal law we must, therefore, have been moved from without.

We have seen that in willing the end, we make ourselves to will the means. But this requires the mediation of some deliberative thought. Thus, when one wishes to be cured of disease, he may reflect how this can be brought about. And having thus found the means, he chooses them. But because he is not continually willing to be cured, he needs some external motive power to lead him to begin this new act of will. If he moved himself to begin it, he would still need some deliberative act to produce that act of will. Now we cannot go back in this way *ad infinitum*. There-

fore we must assume some primal impulse of an exterior mover.

What is voluntary must indeed have its principle within the agent; but it is not necessary that this be the primal principle unmoved by any other. The will is not forced to act. For in that case, it would contribute nothing to the result. But it is we ourselves who will, though moved by another, *sc.*, God.

God only can do this.

We may be moved from without by that which is not the cause of our being, but this cannot be voluntary motion. But the will is a rational power caused by God, being created by him (and sustained by him). And the will has relation to the universal good. Any special good cannot give this inclination to the universal good. God is this good, He only; therefore He only can move the will efficiently. Without this man can will nothing. But by his reason he determines himself to will this or that good, or the seeming good which in reality is evil.

§ 5. How is the will moved?

Do we naturally will anything from necessity?

The will naturally tends towards the good in general, its ultimate end, as every power does towards its proper object. In general we naturally seek what is in accordance with our nature, its powers, our whole human constitution. Thus we seek knowledge of the truth, which is the object of our reason; and we naturally seek to live, and the like, which belong to our human nature.

Is the will necessarily moved by its object?

The will is moved in a two-fold manner: (1) as respects the exercise of its power, (2) as respects the specification of the act in willing this or that. In the first manner it is not

necessarily moved by any object, for it is able to exclude that object from thought. Then there is no act of willing that object. But as regards the second, the will is necessarily moved by some objects of it, by others, not. If an object is proposed to us which is universally good in every point of view, our will necessarily tends to that, if we will at all, for we cannot will the opposite of it. Such good is happiness (beatitude).

But if some special good be presented to us which is good only from certain points of view, we do not necessarily will it. Being deficient, it may be regarded as not good, our attention being given to that deficiency. So the object may be rejected or approved by the will, since we may view the same thing in different lights.

Not only the ultimate end, but those means which are regarded as necessary for the attainment of that end, are necessarily willed ; *e. g.*, life itself. But other things which are not so regarded are not necessarily willed by him who wills the end.

Is the will necessarily moved by lower appetite ?

This, through some passion, disposes a man to judge something to be agreeable and good, which would not be otherwise so judged. Passions may change the condition of the brain to such a degree that the man is insane. Here there is necessity. We may conceive of the condition of the brutes in the same way.

But sometimes, also, the reason is not totally annulled by passion, and its free judgment still remains. So there still remains some free motion of the will. In this case the will does not of necessity incline to that towards which passion draws it.

S. Paul, indeed, says (Rom. vii. 19), "The good which I would, I do not; but the evil which I would not, that I do." But he seems to mean that we cannot prevent the motions of concupiscence from arising. Yet we have the

power of not willing to have these motions, or of not consenting to them.

Man has two natures, the rational and the sensitive. If his being is well ordered, the sensuous part of it is totally subject to the other. This constitutes the virtuous man. The opposite case is that of some forms of insanity. But sometimes, although reason is clouded by passion, it still remains more or less free. Then the man can either totally repel the passion, or prevent himself from yielding to it. In such a condition diverse parts of the soul are diversely disposed; one thing seems good to it according to reason, another according to passion.

It may be objected, finally, that the will is not moved to any particular good, except through the mediation of sensuous appetite, the function of which concerns those special goods and not the universal good which is the object of the will. I reply that the will is moved not only by the universal good apprehended by reason, but by the particular good apprehended by sense. So it can be moved to that good without any passion of the sensuous appetite, by free choice of such a good. There is no necessity in that act of will.

Is the will necessarily moved (compelled) by God?

Divine Providence preserves, does not destroy all corruptible things. Hence all things move according to their constitution (their condition). From necessary causes follow, through Divine power, necessary effects; from contingent causes, contingent effects. And the will is an active principle, not determined to one thing, but capable of turning to many things. God moves it therefore, not turning it of necessity to one thing, but leaving its action contingent, except in those ends to which it is by its nature directed.

(1) It is said, indeed (Rom. ix. 19), "who hath resisted his will?" But that Divine will not only orders that

something be done by the thing which He moves, but also that that be done in accordance with the nature which He himself has given. It would be more repugnant to the Divine motion that the will should be compelled, which is contrary to its nature, than that it should freely move, which is according to its nature.

(2) It may be objected, again, that the will necessarily is moved in that which it naturally wills, and that is natural which God works in it; therefore, we necessarily will whatever God moves us towards. But I reply that that is natural to each thing which God makes so. But He does not will that all which He works in things shall be natural to them, *e. g.*, that the dead should rise again. (That is supernatural.) But He wills it to be natural to everything that it should be subject to His power.

(3) It is true, again, that if God moves the will to any particular thing, we shall be drawn to that precisely according to the exertion of His power, for otherwise His operation would be inefficacious. But that truth does not affect the question before us.

§ 6. On the choice of means for the end.

Choice is always of means, not of the ultimate end.

But that which is the end in one point of view may be the means for something else. Thus in the science of medicine the restoration of health is the ultimate end, and does not fall under the physician's choice. But if that restoration of health is a means to the health of the soul, or if its opposite were so, it would fall under judgment and choice of means.

We choose only what we regard as possible for us.

Our choice always has reference to some action of ours. Such action is deemed possible, otherwise it would not be chosen. We choose it in order that through it we may attain our end, or that which leads to that end. If it is

deemed impossible in this regard, it is abandoned for other means. No one is moved towards that which seems impossible. No one tends to an end which seems totally out of his reach, because the means are unattainable. Therefore, that which is impossible cannot be chosen.

I am speaking, however, of the perfect act of the will, which implies operation. For that imperfect act of it which is called wishing for a thing means that we would will it if it were possible to be accomplished. But choice means the determination of the will to that which is now to be done in order to reach the end sought for.

It will be seen that in speaking of the possible and the impossible, we have in mind what is so judged by the agent.

Are we free in choosing?

What is possible to be or not to be, does not exist of necessity. Now it is possible to choose or not to choose. (1) It is of the very nature of a rational being that he can will and not will, act and not act. He can will this or that. For whatever the reason apprehends as good, the will can incline to. But the reason can apprehend as good not only the willing and acting, but also the not willing and the not acting. (2) And again, in all particular goods, it can consider the notion of that good and its defects which are regarded as evils. And so it can apprehend any such good as a thing to be chosen or to be shunned. But only the perfect good, which is beatitude, the reason cannot apprehend as possessing any evil or any defect. Therefore man necessarily wills his beatitude, and cannot will to be not happy, or to be miserable. But since choice is not of the end, but of means to the end, it is not of the perfect good, which is that happiness, but of some particular goods. Therefore man chooses, not of necessity, but freely.

(1) It is true that this principle may require that means which are necessary to the end be necessarily followed.

But this is not true of everything which has some relation to the end.

(2) And the judgment of reason about things to be done is, in this case, a judgment respecting contingent things, which are possible to be done. Those are necessary only under a condition ; *e.g.*, if he will to run, he must move.

(3) Two things apparently equal in one point of view may be presented to choice. But nothing hinders their being regarded as unequal from some other point of view.

Deliberation of reason precedes choice. For actions respect contingent things, which require a preceding search of the reason before a judgment is made. This only concerns the means, not the ultimate end, respecting which there is no such deliberation.

Then follows consent, not to the end, but to the subject of judgment, *sc.*, the means for attaining that end.

Next comes the use of those means by the will under the direction of the reason.

§ 7. On acts commanded by the will.

Self-command belongs to the higher nature of man, his reason and his will.

Each of these controls the other. Reason can say to us, "this is now to be done ;" and, on the other hand, we will in issuing this command. We will in attending to this or that, which is a prerequisite for the exercise of reason.

Can the act of reason be commanded?

This act can be considered in two lights. If we speak of the exercise of the act, it is always in our power to attend, or not to attend, to use or not to use our reason. But as regards the object of our thought, it is not in our own power that we apprehend the truth presented to us. We can only say that this is seen by some natural or supernatural light. But there is, also, a rational (and voluntary)

assent to the truth presented ; not, however, in all cases, for the assent to knowledge proper, to truths scientifically demonstrated, is not in our own power. But there are also things apprehended which do not so convince the reason but that we can give or withhold our assent, or suspend our judgment respecting them.

Herein, then, the act of reason is in our own power. (Such are the verities of the Christian faith.)

Are acts of the sensuous appetite subject to our higher nature?

First note that these appetites are connected with bodily organs (the brain and nervous system). The will is not so connected. But every act of a power employing a bodily organ depends not only on the soul's power, but also on the condition of that organ. So far as the former is concerned, it follows apprehension of the object. But the apprehension of the imagination, which is of particular objects, is regulated by the apprehension of reason, which is of the universal idea of the same object. So far the act of the sensuous appetite is subject to the empire of reason. But the condition of the bodily organ is not (directly) so subject.

Sometimes, also, it happens that the sensuous appetite is suddenly excited through sense or imagination presenting the object to it. Then that motion is not subject to reason, although the higher part of the man might have hindered the motion, if it had been foreseen (venial sin).

The acts of what Aristotle called the "vegetative soul" (hunger, thirst, etc., natural appetites) are not subject to the dominion of reason.

If we consider the bodily organs, we notice that there are some vital organs, nutritive, generative, etc., which are not subject to the empire of reason. They belong to the "vegetative soul." (It is different with organs which directly serve the higher part of our nature.)

CHAPTER III.

ON GOOD AND EVIL IN HUMAN ACTS.

§ 1. Whence are they derived ?

Is every human action good, or are some evil ?

What S. Thomas proved in *Pars Prima* is here to be remembered. For good and evil in actions are like good and evil in things, since each thing produces action according to its essential nature. Now it is a fundamental principle of truth, which was shown in Part I., that Good and Being are convertible terms. (Being is good, and the good is Being viewed as desirable.) As much of Being as anything possesses, so much of good it has. God alone has absolute plenitude of being. But each thing which He has made possesses such plenitude of being as He finds suitable for it according to its peculiar nature.

Some things, however, may have being, and yet lack that plenitude of being which they ought to have. Thus a man is compounded of body and soul, with all their suitable organs and powers. If any one of these is lacking, there is defect in his plenitude of being. Such defect is an evil. A blind man, *e. g.*, has the good of life, but he has also the evil of defect, his blindness. But if he lacked everything which belongs to being, we could not apply the words good or bad to him. Where there is defect, the thing is good *secundum quid*. I conclude, therefore, that every action, so far as it has being, has goodness ; but so far as it lacks that plenitude of being which is due to human action, it is bad ; *e. g.*, if it lacks the due quantity, or the due place, etc.

The evil acts by virtue of the deficient good. If there

were no good, there would be no being, no action. If there were no deficiency, there would be no evil in the being or in the action. So the action actually produced is in such a case a defective good, good *secundum quid*, but simply evil.

Anything may be, in one regard, actual, in another deprived of actuality; and thus deficient action will be caused. A blind man has power to walk (which is a good); but wanting sight, he walks hesitatingly (which is an evil).

An evil action may have some effect *per se*, which is in one way good, but evil as opposed to the due order of reason, *e. g.*, conception following adultery.

Does human action derive goodness or badness from its object?

The kind of action is primarily determined by its object as the terminus of the action. Not, indeed, the object as viewed in itself, but in its relations to the actor, as in accordance or disaccordance with right reason so far as he is concerned. In this way actions are good or bad in their nature. Thus unjustly taking another's property is *malum per se*.

In speaking of the object thus, I am not speaking of an external thing which is in itself a good, but of the related action.

The goodness of the action is not caused by the goodness of its effect; but an action is called good because it can produce a good effect; and so the very relation of an action to its result is a cause of the goodness of that action.

Is human action good or bad according to the circumstances of it?

I answer that the plenitude of being in (individual) action is not totally due to its nature, but also (in part) to the due circumstances. Hence, if anything be lacking in these due circumstances, the action is bad.

Is human action good or bad according to its end ?

(Here we speak, not of the intrinsic end which coincides with the object spoken of above, but of the extrinsic object.) This is the extrinsic cause of the action. Due proportion and relation to that end is requisite in order to constitute the action good.

So then, in human action there may be four-fold goodness: (1) in its genus, *sc.*, action; because as much of action and being as it has, so much it has of goodness; (2) in the kind of action, according as it has a fitting object; (3) in the accidental circumstances of the (individual) action; (4) according to the end, its relation to the goodness of its cause.

Observe, however, with reference to this last, that this final cause may be only the seeming good, and so evil action may follow from it. And especially, it is to be noted that an action having goodness of one of these four kinds may be deficient in another of them. It may be good according to its species or its circumstances, and bad in the intention of the one who does the action. And an action is not simply good unless all four kinds of goodness are found in it.

Does the end aimed at make an action specifically good or bad ?

Some acts are called human inasmuch as they are our voluntary acts.

Now, in the voluntary act is found a two-fold action; one, the interior act of the will, another, the outward act. And each of these has its object. The end is the proper object of the inward voluntary act; but that about which the outward act is concerned is its object. And as the outward act takes its specific character from its object, *sc.* the inward act gets its specific character (as good or bad) from the end sought for. But the outward acts are only moral so far as they are voluntary. We use our members

as instruments of our will. Therefore human acts, although they may be described according to their outward object, the "material" part of them, are yet specifically good or bad according to the end, the "formal" part of them. Aristotle, accordingly, observes (Nic. Eth., v. 2) that he who steals in order to commit adultery, is even more an adulterer than a thief.

Indifferent acts.

A human act, *i. e.*, a moral act, gets its species from its object as related to the (directing) principle of human acts, which is reason. Hence, if the object of the act embraces what is in accordance with the order of reason, the species of act will be good, *e. g.*, to give alms. But if it include what is repugnant to the order of reason, the act will be, specifically, a bad act; *e. g.*, to take unjustly another's property. But the object of the act may possibly embrace nothing pertaining to the order of reason, *e. g.*, to pick up a straw from the ground. Such acts are in themselves indifferent.

I say, in themselves; but when we consider the individual who does the act the case is altered. For a moral act has goodness not only from its object, but also from its circumstances. And every individual act has circumstances by which it may be rendered good or bad; the intention at least may produce this result. For since it is the part of reason to direct, an act proceeding from deliberate reason, if not ordered for the due end, is, on that very account, repugnant to reason, and is bad; but if it is ordained for a due end, it is in accordance with reason, and is so far good.

But every act of a man which proceeds from deliberative reason is either ordained or not ordained for a due end; therefore, considered with reference to the individual, it is either good or bad.* But if it does not so proceed, as when

* Note that what is not intrinsically evil may become such indirectly, through contempt of the law, or of the law-giver, through scandal, etc.

one rubs his beard, or moves his hand or his foot, such an act is not, properly speaking, human or moral, and is indifferent.

Does any circumstance constitute a specifically moral act, bad or good?

I answer yes; because the species of moral acts, as species, depend upon the concepts or forms, as framed by the mind. And so what in any act is viewed as a supervening circumstance, may again be viewed as one of the chief conditions of the object. Thus taking unjustly another's property is theft in general; but we may also consider some circumstance which adds a special deformity contrary to the order of reason, as the place, the time, the person, the manner. And so theft may be robbery or sacrilege.

§ 2. The good and evil of the inward acts of the will.

A good will depends upon its object.

Good and evil *per se* pertain to the will, as the true and the false pertain to the intellect. But in human acts different objects make a difference in kind. Good and evil, therefore, in acts of the will depend upon the object of it. It is true that the will can only seek the good; but what seems so may be only the apparent good. And so the act of will is sometimes evil.

The goodness of the will depends upon the object alone, not on the circumstances of the act. This object is the end sought; we are speaking, therefore, of the intended end.

If the will is for the good, no circumstance can make that a bad will. If you say that any one wills any good when, or where, or as he ought not to do, your words are equivocal. For you may mean that that circumstance is willed. And so he does not will the good. Because the willing a good when, or where, or as, one ought not so to

do, is not willing the good. But again, you may mean the very act of willing ; and so it is impossible that any one should will the good when he ought not to, because he ought always to will it ; unless, perhaps, accidentally, when in willing this good, he is hindered from willing some good which he ought to will. And the evil does not arise from his willing that good, but from his not willing the other.

It may be objected that ignorance of circumstances excuses the evil of the will ; and that this proves that the goodness or the evil of the will depends upon those circumstances, and not upon its object only. But this excuse regards the circumstances as a part of the thing willed, *i. e.*, we are ignorant of the circumstances of the act which is willed. Thus the objection falls to the ground.

The goodness of the will depends upon reason also.

For the object of the will is proposed to it by the reason. This is not the good of sense or imagination. That is offered to the sensuous appetite, not to the will. The object of reason and will is the good as viewed in its general conception.

The goodness of the will depends, still more, upon eternal law.

The light of reason which is in us can show us the good, and regulate our reason, only so far as it is derived from the eternal light (Ps. iv. 6). This shines on us in the form of eternal law. We do not know it, indeed, as it exists in God ; but our reason is the image of God in us, and naturally, or by supernatural revelation, sees in part that eternal law which orders our reason itself as the measure of our acts.

Every will discordant with reason, whether that reason is correct or erring, is a bad will.

By conscience I understand the act in which we apply our moral judgment : (1) testifying concerning what we

have done or left undone ; (2) judging that something is to be done or not to be done ; (3) judging that what has been done was rightly or not rightly done, *sc.*, an accusing or excusing conscience. So understood, the question before us may be otherwise stated, *sc.*, *does an erroneous conscience create obligation?* In things indifferent (in their own nature) a will discordant from reason, an erroneous conscience, is, in a certain way, bad on account of the object on which good or evil in the will depends ; not indeed on account of the object as it is in itself, but as it is regarded by reason, being viewed as good or bad, to be done or to be shunned. And because the object of the will is that which is proposed to it by reason, if anything is presented by the reason as evil, a will following that is a bad will.

But this is true not only of things indifferent, but also of those which are in themselves good or bad. For that which is good may be viewed as evil, and that which is evil may be regarded as good. To abstain from fornication is a moral good. But we do not seek this good as a good, except as it is presented by our reason. If, therefore, it is presented by an erroneous conscience as evil, we follow that abstinence under the idea of its being sin. And the will is bad because it wills what we regard as evil. To believe in Christ is *per se* good and necessary to salvation. But if our reason judges that faith to be an imposture, we accept it as an evil thing ; our will is a bad will. Therefore S. Paul says (Rom. xiv. 23), " Whatsoever is not of faith is sin."

It may be objected, (1) that reason is the rule of human will because it is based on eternal law, but an erring reason is not derived from eternal law, and so is not the rule of human will ; neither is the will bad if it does not agree with an erring reason. But, nevertheless, that erring reason proposes its judgment as true and based on God's law. (2) Erroneous conscience sometimes proposes what

is contrary to the command of God, and therefore imposes no obligation. But if any one believes that the order coming from a subordinate officer is the command of the chief, in despising the one he despises the other. So if we were aware that our reason dictated something contrary to God's command, we would not be bound to follow that. But, in that case our reason would not be totally erroneous. But when erring reason presents anything as a commandment of God, to despise that dictate of reason, and to reject the commandment of God, are one and the same.

Is a will which agrees with erring reason a good will?

This is the same as the question whether an erroneous conscience excuses. It has already been shown (Qu. vi., art. 8) that ignorance sometimes causes the involuntary, sometimes does not. And since moral good and evil imply a voluntary act, it is evident that that ignorance which makes action involuntary, totally removes from it the notion of good or evil; but not that ignorance which does not cause the involuntary. And it has also been shown that ignorance which is directly or indirectly willed, does not produce the involuntary; such ignorance is directly willed, when it is intentional; it is indirectly willed when it results from negligence, from our not willing to know that which we are bound to know. If then reason or conscience err through directly or indirectly voluntary ignorance, such error being with regard to that which we are bound to know, it does not hinder a will which agrees with erring reason or conscience from being a bad will.

The will of those who slew the apostles was a bad will; but they thought that their action was one of reason and piety towards God. The Lord himself said, "The hour cometh that whosoever killeth you shall think that he offereth service unto God" (S. John xvi. 2).

But if the error be that which causes the involuntary, coming from ignorance of some circumstance, in which

error there has been no negligence, then such error excuses and the will agreeing with erring reason is not a bad will.

But if the will discordant from erring reason is bad, why is not the will which agrees with it good? I answer, because the good requires the full, complete conditions indicated already, and defect in any one is evil. The will is bad in following that which is actually evil, or that which is deemed such; but that the will be good, both are requisite.*

Eternal law cannot err, but human reason can err; therefore a will agreeing with human reason has not always rectitude, nor is it always in accordance with eternal law.

This truth produces no perplexity, nor any necessity of sinning. Suppose that one does what he is bound to do out of a spirit of vainglory. He sins, whether he does it or leaves it undone. But there is no perplexity, no need of sinning; he can cast away his bad intention. From vincible and voluntary ignorance follows evil in the will; but the error can be removed; therefore there is no necessity of sinning.

Does the goodness of the will respecting the means depend upon the intention or end aimed at?

This intention may be viewed as preceding or as following the act of the will which we are now considering. It precedes causally the act of the will, when we will something on account of our aiming at a certain end. And then this relation to the end is regarded as one reason why the thing willed is good. Thus one may will to fast out of a sense of obligation towards God; and that fasting is so far good, viz., because it is done for God's sake. Since, then, the goodness of the will (as we have seen) depends upon the

* See Bishop Sanderson's fourth Serm. *ad Clerum*, "Whatsoever is not of faith is sin."

goodness of the thing willed, it necessarily depends upon the end aimed at.*

But the intention may follow an act of the will, in a certain way, *e. g.*, if one wills to do a certain thing, and afterwards refers it to God. Then the goodness of the first act of will does not depend upon the subsequent intention, except so far as the act of will is repeated along with that subsequent intention.

I anticipate three objections. (1) It has been said that the goodness of the will depends upon the object alone; but when we will the means to an end, the object willed is different from the end intended. I answer that when the intention is the cause of the act of will it is the relation to the end which is the reason why we attribute goodness to the object directly willed.

(2) Willing to keep the commandments of God pertains to a good will; but this may be referred to a bad end, *e. g.*, vainglory or covetousness; as when one wills to obey God on account of some earthly benefits which he expects thereby. But the will is not good if a bad intention is the cause of its act. He who wills to give alms, because he expects to get a good name thereby, wills that which in itself is good under the idea of evil. Therefore, so far as willed by him, it is evil and his will is a bad will.

(3) The badness of the will does not depend (solely) on the evil end; for he who wills to defraud in order that he may be able to give for charitable ends, has a bad will, although he aims at a good end.

But it has been already pointed out that the evil results from either one of the possible defects; whereas the good

* All choice of bad means for any end whatsoever is bad (Rom. iii. 8); but not all choice of good means is good. Choice of good means for a good end constitutes a double goodness, and choice of bad means for a bad end makes a double evil.

(Qu. Bribing a legislator in order to secure a useful and even necessary law ?)

requires completeness in its requisites. The will is bad whether it seeks what is in itself evil under the notion of good, or what is good under the idea that it is evil. But for a good will it is required that it seek the good under the notion of good, *i. e.*, that it will the good for the sake of the good.

The goodness of the human will depends upon its conformity to the Divine will.

For the goodness of the will depends upon its end, and its ultimate end is the highest good, which is God. The object of that infinite will is the highest good, and thus that Divine will is the measure of rectitude and goodness of will throughout the universe. Our will, indeed, cannot be conformed to that by equivalence, but only by imitation. So is it also with our knowledge, so far as we are able to know the truth.

Is it necessary that our will be conformed to the Divine will in the very thing willed, in order that we may have a good will?

We have seen that the will is directed to its object as proposed by reason. Now since anything may be viewed by reason in different lights, in one way it may be good, in another evil. And therefore, if the will of one person follow it according as it is good, he has a good will; while another, willing the same thing not to exist, because it has evil in it, has also a good will. So the judge has a good will when he wills the criminal to be executed, because the punishment is just; but the will of the wife or child, in willing the opposite, may also be a good will, because that execution is a sundering of natural ties. But since will follows reason's apprehension of a thing, it follows that that good will is of a higher sort, which seeks the higher good which reason apprehends. Thus, in the example before us, the judge has a care of the higher good, *sc.*, that of the

community, viz., justice. Therefore he wills the execution of the criminal as related to the common good. But the wife looks at the good of the family, and, for the sake of that, wills that the criminal be not executed. But what God specially regards is the good of the universe, of which He is Creator and governor. Hence whatever He wills falls under the notion of the universal good, His own goodness. But our apprehension, according to our nature, is of some particular good proportioned to our nature. Now that may be good, so viewed, which is not good in more general relations, and conversely. Hence it is that diverse wills of different men may be good though directed towards opposites, as falling under diverse particular notions.

But there is no rectitude of will in willing some special good, unless that be referred to the general good as the end. For from the end is derived the reason for willing the means to the end. In one way, then (what Aristotle calls the "material" part), a right will seeks the particular good; but (in the "formal" part), in the ultimate intention, that right will seeks the common good which is Divine.

Our human will, therefore, is bound to be conformed to the Divine will in its ultimate intention, *i. e.*, to will under the same notion with the Divine will, to will because God wills (saying "not my will, but Thine be done"). But it is not necessarily so obliged in the special thing which is willed (the material part of the act, respecting which we do not know the Divine will). But even in both in a certain way the right human will is conformed to the Divine will. For in being conformed to that in the general notion of the thing willed, it is so conformed in the ultimate end; while, if not conformed in the special thing which is willed, it nevertheless is so in the idea of the efficient cause, since the special inclination to the special good is derived from God its maker. Hence we may say that our human will is

conformed to the Divine will when we will that which God wills that we should will.

From the grace of charity man wills what God wills, and as God wills it. And this is the being conformed to the Divine will, since the ultimate end is the object of charity.

(1) No objection then can be found in the fact that we are often ignorant in particulars of what God wills, while we are unable to will what we are ignorant of. For in those particulars we are not obliged to conform our will to the Divine will. But we do know what kind of thing is willed by God. For we know that whatever God wills, He wills under the idea of the good. And therefore, whenever we will a thing as good, we have a will conformed to God's will in that general notion.

(2) But how can man will the damnation of him who dies in mortal sin? Yet God wills this. I answer that it is not as death or as damnation that God wills such a thing, for He wills that all men be saved. But He wills death and condemnation under the idea of justice. Therefore it is enough for man to will that the order of justice and the order of nature be preserved.

There is no repugnance of wills when diverse things are willed from different points of view. True repugnance is found only where the thing is viewed under the same notion.

§ 3. On good and evil in outward human acts.

Does all the good or evil of outward acts solely depend on the moral character of the will?

I answer that we may consider either the due matter and circumstances, or the relation to the end. The latter depends solely on the will. But the former depends on reason, and on this depends the goodness of the will. Remember that any one of the defects already pointed out (p. 26-7) makes anything evil; but that anything be good,

simply, one requisite does not suffice, but complete integrity is requisite. If therefore the will be good, both as regards its proper object and the end sought for, the outward act will be good ; but it is not sufficient that the aim be good. But if the will be bad, either in the intention or in the act willed, the outward act will be evil.* Both are sins of the will. (Where there is no will, there is no sin.)

Does the outward act add anything to the good or evil of the inward act ?

If we speak of the good or evil derived from the end sought for, then the outward act adds nothing in that respect, unless it happen that the will in itself is rendered better by good deeds or worse by evil deeds. This may happen (1) by repeated acts of will ; (2) by prolonged inward action ; (3) by the increased intensity of will which pleasurable acts produce, while painful acts have the opposite effect. And the more intense the will is in tending to good or evil, the better or the worse it is.

But if we speak of the goodness or the badness which the outward act has according to due matter and circumstances, since that outward act is the terminus and end of the will, it adds to the goodness or the badness of the will. For every such motion reaches its perfection at its terminus. Will is only perfect when it operates, if the opportunity of doing so is afforded to it. But if there is no possibility of action, and the perfect will is present, it would act if it could. The outward defect is simply involuntary. This involuntary state of things adds nothing to the merit or demerit, and takes nothing away.

Do consequences add anything to the goodness or the badness of outward acts ?

The event which follows action is either contemplated

* Rom. iii. 8 ; Sanderson's *Praelect.*, ii. 9.

beforehand, or it is not. If it is so intended, it manifestly adds to the goodness or the badness of the act. For when one foresees that from his act many ill consequences may arise, and yet does not on that account refrain from action, his will is evidently the more inordinate on this account. But if the result which follows was not contemplated in advance, then a distinction is to be made ; because if, *per se*, and ordinarily, this result is wont to happen in consequence of such an act, then the resulting event does add to the goodness or the badness of the act. For it is manifest that that is a better act in its kind from which many good results may flow ; and that is a worse act from which naturally flow many evil consequences.*

But if we speak of an accidental result, which follows only in exceptional cases, then such an event adds nothing to the moral status of the act.

Note that acts may be similar in their nature, but very different from a moral point of view.

§ 4. What results from the moral character of human acts ?

Human acts as good or bad fall under the notion of rectitude or of sin.

The word "bad," used in its widest extent, is of broader signification than "sin," as "good" is of wider extent than "righteous." For every privation of good in anything whatsoever, is bad. But sin, fault, is found only in the act

* The ill effects of our act are imputed to us, even though that act be imperfectly voluntary, on three conditions, *sc.*, (a) if those effects are in some degree foreseen even *in confuso* ; (b) if the cause of them could be avoided ; (c) and if by reason of those ill effects we are bound not to do what produces them ; otherwise we may merely permit the ill effects and not be answerable for them.

The good end sought for by us may justify our action even though some ill effects follow from it, if (1) that end is good ; (2) if the action is itself good, or, at least, indifferent ; and (3) if the good effect which we expect is at least as near to the end as that bad effect and equal to it.

which is produced for a certain end, when that act has not due relation to that end.

But that due order with respect to the end is measured according to some rule. In natural agents this rule is the natural inclination to the end ; and rectitude of action, the absence of fault, consists in undeviating following of that rule. But in those things which proceed from will, the proximate rule is reason ; the supreme rule is eternal law. Whensoever, then, man's act proceeds toward the end according to the order of reason and eternal law, the act is right ; but when it deviates from this rectitude, it is sinful. Hence it follows that in human conduct the good and the bad are the righteous or the sinful.

Human acts, as good or bad, are laudable or culpable.

An act is called laudable or culpable when it is imputed to the agent. But it is so imputed, when it is in his power, so that he has dominion over his action. But this is true of all voluntary acts, because by will we have such dominion. And only voluntary acts are laudable or culpable.

(1) It is true that fault exists in what is produced by nature, which is neither laudable nor culpable. But such acts are not in the power of the natural agent, since nature is determined to a single result. Therefore the idea of blame has no place in this matter.

(2) There is fault, not always blame, in what is done by man's art. But the question is a different one from that of morals. There are two kinds of fault in connection with art. The artificer may deviate from the particular end aimed at by his art ; intending to make a good work, he may make a bad one. This will be fault in his art with its particular end. But, also, this particular end is ordained for the common end of human life ; and in this way there may be fault and sin in the artificer if he intend fraudulently to make a bad piece of work, and actually does so.

But this is the fault of the man rather than of the artificer as such. In the first case he is blamed as an artificer, but in the second, as a man. But in morals, where the order of reason is regarded with reference to the common end of life, fault is always a deviation from the order of reason respecting the common end of human life. For such fault a man is blamed as a man and a moral agent.

(3) Infirmary or weakness may take away or diminish the blame. And evil, as such, is weak, impotent. But the infirmity which is found in voluntary evil is subject to man's power; and, therefore, it neither takes away nor diminishes the blameworthiness.

Human acts as good or evil have merit or demerit according to retributive justice (between man and man).

The prophet says (Is. iii. 10), "Say ye to the righteous, that it shall be well with him: for they shall eat the fruit of their doings. Woe unto the wicked: it shall be ill with him: for the reward of his hands shall be given him." Merit and demerit express the relation of human acts to retribution according to justice. But this retribution is due to any one according as he injures or benefits another. But each one living in any society is a part and member of that society. In doing good or evil to another member his act affects the whole society, as he who cuts off a hand injures the man. In benefiting or injuring another, there is a two-fold merit or demerit; one, as retribution is due from the individual who is aided or injured; another, as retribution is due from the society. But when any one ordains his act primarily for the society, retribution is due to him primarily and principally from the society, but secondarily from all members of the society. And even when any one acts for his own proper good or harm, retribution is due to him, inasmuch as his action affects the whole society, of which he is a part.

(1) It may be asked, how is this reconcilable with the

dominion which man has of his own acts? For no one is blamed for disposing as he will of that in which he is absolute lord. If he destroy his own property, he does not deserve to be punished as if he were destroying another's. I answer, that man himself belongs to the community of which he is a part; before that community, therefore, he has merit or demerit according as he orders his acts well or ill. So, also, if he dispose of his property well or ill, with which he is bound to serve the community.

(2) It is true that "virtue is its own reward" and evil is its own punishment. But the good or ill which one does to himself affects also the community (and calls for retribution from it).

Are human acts, as good or bad, meritorious or demeritorious before God?

The Holy Word says (Eccl. xii. 14), "God shall bring every work into judgment, whether it be good or whether it be evil." We have just seen that acts have merit or demerit as they are ordained with reference to another, either for his own sake, or for that of the community. In both modes our acts, good and bad, have merit or demerit before God; by reason of Himself, because He is the ultimate end of man to which all acts must be referred; but by reason also of the universal community of which He is Governor and Lord. For he who rules has the care of the common good, and it therefore pertains to him to reward and punish what is done well or ill in that community. If there were no such merit and demerit, God would have no care of human acts.

(1) It is easy to object that our acts can do no harm, confer no benefit, upon God. But man can withdraw something from God or render it to Him, by observing or not observing the due order which God has instituted.

(2) Again, it may be objected that man is only an instrument of Divine ordering; and an instrument has no merit

or demerit with him who uses it. Isaiah said (x. 15), "Shall the axe boast itself against him that heweth therewith?" I reply that man is so moved as an instrument of God that he also moves himself with free choice of his action.

Again, it may be objected that human acts obtain merit or demerit from their being ordered with reference to another. But not every act is ordered with reference to God; therefore not all have this merit or demerit. I answer that not the whole man, with all that he has, is ordained to be referred to the political community. And therefore not every act of his has merit or demerit before that community. But the whole man, and all that he has, is ordained for God. Therefore every act of his is the occasion for reward or punishment.

(S. Thomas explains further this notion of merit in qu. cxiv. art. 1. It means a reward, not from absolute justice, which herein is out of the question, but according to conditions of reward pre-ordained by God Himself, and fulfilled with the aid of His prevenient and sustaining grace. In the strict sense of merit, Tennyson's words are unchallenged :

" Merit lives from man to man,
And not from man, O God, to Thee.")

CHAPTER IV.

ON GOOD AND EVIL IN THE PASSIONS OF THE SOUL.

(A psychological view of the passions of the human soul belongs to our subject only so far as it is necessary for a clear understanding of our moral relations. For if good and evil have in any way those passions for their subject, it is evident that we cannot understand our proper theme unless we have first clearly seen what man is in these powers which may be corrupted. Knowledge of the corruption implies knowledge of that which is corrupted, But our space allows of only a rapid glance at that which S. Thomas endeavors to analyze and consider in detail.)

§ 1. General view.

The word "passion" indicates that the soul is rather acted upon than exerting its spontaneous activity, while at the same time it undoubtedly reacts upon the external stimulus. But, in feeling, the soul is acted upon through the bodily frame which is united with it, the body itself, first and chiefly its nerve-centres, undergoing a mysterious alteration. Passions are closely connected with desires, for these desires are the peculiar reaction of the soul towards that which is presented to it through the passions.

And what distinguishes these passions and desires from the higher nature of reason and will, is that the former are directly conditioned by bodily (nervous) alteration.

The (Aristotelian) division of passions into the concupiscible and the irascible is serviceable for our purpose. The object of the former is the sensible good (simply such) as pleasurable or painful. But sometimes the soul undergoes difficulty or conflict in obtaining some such good, or avoiding some such evil. And so the same good or evil, with the

added quality of special difficulty, is the object of the irascible passions. To the former class belong such passions as joy, sorrow, love, hate, and the like; to the latter class, courage, fear, hope, etc.

Are moral good and evil found in the passions?

We may consider these passions in themselves, or as they are subject to the dominion of reason and will. In themselves they are motions of irrational appetite. So viewed, there is neither moral good nor moral evil in them, for these require reason as their basis.

It is quite otherwise if we view those passions as under the dominion of reason and will. For as the motions of the bodily members are good or bad, morally speaking, so far as they are voluntary, so and much more so the motions of the passions, which are nearer to the higher nature than the body is. Acts of passions are voluntary either because they are commanded by the will, or because they are not prohibited by it.

Here is the common ground of man and brute. Both have these passions. But in the brute there is no spiritual reason which can command them. Therefore the brute's life is not a moral life.

But in man passions and desires are, in a certain way, rational, because it is one human being who possesses the reason and is affected by the passions.

Is every passion of the soul morally bad?

The Stoics seem to say that they are so. But they do not distinguish between will and desire, between sensibility and reason. Therefore every rational exertion of desire they call will, and every act which transcends the limits of reason they call passion. So viewed, passions are diseases of the soul. But we may understand by passions every motion of sense-appetite. So viewed, if governed by reason they are not diseases, they are not evil.

It is true that they incline to sin, so far as they are outside of the domain of reason ; but, as ordered by it, they are the subject of virtue.

Does passion add to, or diminish from, the goodness or the badness of our act ?

According to the Stoic, every passion diminishes the goodness of our act, because that passion is a disease of our reason. But if by passions we mean all motions of sense-appetite, we see that the government of those passions by reason pertains to the perfection of human good. That good is rooted in reason, but it is more perfect the wider its power extends. No one doubts that the directing the acts of our bodily members by reason pertains to the perfection of moral good. And since the sense-appetite, also, can obey reason, the same thing is true of that. As, then, it is better that a man both will the good and produce the outward act accordingly, so it is better that a man be moved to the good not only by his will but also by his affections. So the psalm says (lxxxiv. 2), "My heart and my flesh rejoice in the living God." Where, if "heart" (according to Hebrew usage) represents spiritual reason and will, "flesh" will stand for the affections of sense-appetite.

Morally viewed—*sc.*, looking at the object of the passion as harmonizing with reason or discordant from it—passions may be good or bad in their own nature ; *e. g.*, envy, which is sorrow at another's good.

Which is first in the order of passions ?

Love, among those of the concupiscible soul. For its object is the good, of which evil is only the privation implying the prior good. In the order of attainment first comes love, which is complacency in its object ; next, desire of that good, a motion of the soul towards it ; and last, joy or pleasure, which is rest in its possession. But if we speak of the order of intention, it is the reverse of

this. For the pleasure aimed at causes the desire and the love.

Hope is prior among the passions of the irascible soul ; for those passions are naturally prior whose object is the good. And hope is inward motion towards an absent good. This makes it first in order.

The four principal passions are joy, sorrow, hope, and fear. In present good, there is joy ; in present evil, sorrow ; of future good, there is hope ; and of future evil, there is fear.

§ 2. On Love.

Love is one species of inclination or appetite for the good. In nature we find such an inclination without apprehension of its object. In brutes we find it (apparently) accompanied by apprehension of its object. We call it instinctive love. But there is another kind of seeking for the object of love, which is rational and according to free choice. In each there is a principle of motion towards the desired end. Sense-love, then, is complacency in the good of sensitive appetite ; as spiritual love is complacency in the good of reason and will. The sole cause of love is the good, because that is the object of love. Evil is never loved except it be apprehended as good, because it is a good *secundum quid*. Man is said to love iniquity, inasmuch as by it he expects to obtain some good, as pleasure or money.

We speak, indeed, of a love for the beautiful. But this is the good in another and special point of view. For the good is what all things seek, and rest in when obtained. But to the idea of the beautiful it pertains that desire rests in the outward or inward contemplation of it. And so the beautiful adds to the notion of the good a certain relation to our cognoscitive power. That is simply good which pleases desire ; but that is beautiful whose apprehension pleases.

Knowledge, at least partial knowledge, is a pre-requisite

and cause of love. But since cognition pertains to reason, its perfection requires a completeness of intellectual apprehension which is not needed for perfect love. This requires that the thing be loved so far as it is apprehended. Consider, in this regard, our love of God.

§ 3. Hate.

As in animal or in rational appetite love is a certain agreement of the desire with that which is apprehended as harmonizing with self and beneficial to self, so to that which is repugnant and injurious to well-being is felt the passion of hate. This repugnant and injurious thing is evil, and so evil is the object of hate. All hate springs from love; for nothing is hated except as it is opposed to that which is regarded as good.

Can one hate himself?

Properly speaking, this is impossible. For each thing naturally seeks its own good, and can desire nothing for itself except as good. Evil is always opposed to the will. But to love any one is to will the good for him. Hence, self-love is a necessity of nature. But still, one may be said (*per accidens*) to hate himself, for two reasons: (1) He may seek what is, *secundum quid*, a good for himself, while it is simply evil; (2) He may chiefly regard his animal nature, and love himself according to his own estimation of himself. But he hates that which he most truly is, in willing what is contrary to reason. In both ways, he who loves iniquity hates not only his soul, but himself.

Even the suicide apprehends his death as a good thing; viz., the cessation of pain or misery.

Can any one hate the truth?

The Good and Being and the True are one in essence, but differ in our thought. For the Good adds the idea of

what is desirable ; but not so the thought of Being or of the True. And, therefore, the Good as good cannot be hated, neither universally nor in particulars. But Being and the True cannot be hated in their general notion, because disagreement is the cause of hate, and the opposite is the cause of love. But Being and the True are common to all things. But, in particulars, nothing prevents a certain being and a certain truth from being hated, inasmuch as it contains the idea of contrariety and repugnance. For these are not opposed to the idea of Being and of the True, as they are to the idea of the Good. (1) Man may will that not to be true which is so ; and so he may hate the truth. (2) Truth in his cognition may hinder his attaining what he loves, and so it is hated. So one may will not to know the verity of the faith in order that he may freely sin. Thus we read in the book of Job (xxi. 14), that the wicked said unto God, "Depart from us, for we desire not the knowledge of Thy ways." (3) Some particular truth may be repugnant and be hated, as it exists in the mind of another, as when one wishes to continue in his sin, and hates that another know the truth concerning that sin.

§ 4. Concupiscence.

I mean by concupiscence the desire of pleasure, not in the good of reason, which desire belongs to the soul alone, but in the good of sense, which belongs to the creature compounded of body and soul. Such desire is in sense-appetite. It is a special passion, springing from love and tending towards pleasure.

Some concupiscences are natural ; some are not.

In two modes is anything pleasurable and desired. First, as in accordance with the animal nature, as food, drink, etc.; desire of these is natural concupiscence. In another mode anything is pleasurable, according to apprehension of it (*i.e.*, to the soul viewing it). Desire of this

is not "natural" (in the same sense of the word), and may be called cupidity. The natural concupiscences are common to man and brute (since they have the same animal nature). But the non-natural are peculiar to man, since it is his peculiar gift to consider something as good and suited to himself beside what nature requires.

But the same thing may be sought for by natural appetite, and by cupidity when it is contemplated by the mind as a good.

Natural concupiscence cannot be actually infinite, for it is only of what nature requires, though it may be indefinitely prolonged, since corporeal goods fail, and need to be renewed. But the non-natural, since it follows reason which has no bounds, is unbounded. He whose cupidity is directed to riches, has no limit to his desire. If, indeed, riches were the means to another end—say, the necessities of life—there would be a limit to the desire of them. But if riches are the end itself, there can be no limit.

§ 5. *Pleasure.*

Pleasure is an emotion or passion of the soul following upon the good attained. It is, indeed, a sort of rest of the soul in that good, but not an inactive rest.

Pleasure is not always joy. For as there are certain natural concupiscences and certain ones non-natural, so there are natural pleasures, and others which follow reason. These latter are what we call joy. Hence we do not (properly) attribute joy to brutes, but only pleasure. We may, indeed, have joy in natural pleasures, but not conversely. Pleasure, therefore, is a word of wider extent than joy.

Joy is found in the rational appetite, the will. It is purely in the soul; whereas sense-pleasure involves bodily transmutation.

Can any pleasure be unnatural?

What do we mean by natural? In man the word may

have two meanings. Since reason and understanding are the distinctive characteristics of man's nature, we may call natural pleasures those which properly belong to man as a rational being. To take pleasure in the truth and in the practice of virtue is natural to man. But, in another way, nature may mean what is common to man and other animals, as opposed to man's peculiar gift of reason. Accordingly, what pertains to the preservation of the individual or the species may be said to be naturally pleasurable.

But, according to both meanings of the word natural, some pleasures are simply unnatural, though, in a sense, connatural. For that which is contrary to the nature of man, either as respects reason or as regards the preservation of the body (or the species), may become connatural to some individual on account of the corruption of his nature. Either body or soul (or both) may be so corrupted; and the result will be similar in both cases.

Activity is the antecedent of pleasure.

For pleasure requires the attaining of a suitable good, and knowledge of its attainment. Both of these are operations of the soul. Therefore operation is the antecedent of pleasure. Pleasure is also the result of concomitant activity. For there is a transmutation of the soul itself in the presence of the pleasurable good; that good increases its influence with its continued presence; and, thirdly, there is growing desire to know the pleasurable thing more perfectly.

Hope and memory make the past or the future to be present to the mind. Therefore they are causes of joy; and most especially hope, because there is added to apprehension of the future the possibility of obtaining the delectable good.

Even sorrow, in a certain way, may be the cause of pleasure, first, by bringing back to mind the lost pleasure, whose very presence in the memory has some pleasure connected

with it. But far more is sorrow, when it is escaped, the cause of pleasure. For the very escape is itself regarded as a great good. And of the blessed in heaven it may be said that the greater the danger (and sorrow) in the battle, the greater the joy in the triumph.

The actions of others may be the cause of pleasure to ourselves, (1) when by them we obtain some good ; (2) when through others we get higher estimation of our own proper good, by praise and honor ; so even the flatterer is pleasurable to some ; (3) love may lead us to regard the good actions of others as if they were our own.

Doing good to others may be the cause of pleasure for various reasons. (Other causes of pleasure are here omitted.)

Is every pleasure evil ?

Pleasure is the rest of the soul in some good which is loved, and it follows some activity of the soul. A pleasure is good when the higher or lower desire of the soul rests in that which is accordant with reason, and evil when it rests in that which is discordant with reason and with God's law. Again, since the concupiscences of good operations are good, which desires precede action, much rather are the pleasures good which are conjoined to such operations. We conclude, then, that the pleasures of good action are good ; the pleasures of bad action, evil.

It is true that pleasures which corrupt prudence and impede the use of reason are bad in general ; but pleasures from the exercise of reason do nothing of this kind (but rather exalt the exercise of reason itself).

Temperance (and Sobriety) do not consist in fleeing from all pleasures, but from the immoderate ones, and those not consonant with reason.

Is every pleasure good ?

As the Stoic makes every pleasure evil, so the Epicurean

considers pleasure, as such, to be a good, and every pleasure good. But they should distinguish between what is simply good and that which is good, relatively, to this man or that. What is not in itself a good may be so, relatively, to the individual for two reasons: (1) His unnatural state makes that to suit his condition which otherwise would be unsuited, unnatural; (2) His false estimation of good may cause him to find pleasurable rest in that which is not truly good. (Such pleasure is evil, like its source.)

The highest pleasure in beatitude is the highest of human good things.

Is pleasure the measure and rule by which we judge moral good and evil?

These are principally found in the will. But whether the will is good or bad is known from its end. And that is esteemed as the end in which the will rests. But this rest is pleasure. And so the pleasure which a man finds in this or that is the measure by which the good or the bad man is judged to be what he is. The virtuous man is he who delights in virtuous operation; the bad man is he who finds his pleasure in evil actions.

But the pleasures of sense-appetite are not the measure of moral good and evil (since the will is not directly concerned therein).

Action is not perfectly good, unless there be pleasure in the good; for since pleasure perfects operation as an end of it, not indeed as the end for which a thing is done, but as a supervening good; and since, also, the agent who finds pleasure in action acts more energetically in consequence thereof; and since the goodness of a thing depends upon its end, in a certain way the goodness of pleasure is a cause of goodness in the action.

§ 6. Pain and sorrow.

Pain is a passion of the (sensitive) soul, following upon

what injures the body, when that evil is perceived. Sorrow is a species of inward pain which is due, not to sense-apprehension, but to the inward apprehension of reason or imagination. The outward sense perceives only the present condition of the body; but the inward cognition embraces also the past and the future; therefore sorrow has wider extent than pain.

Since sorrow in the soul is a motion away from its object, its object is rather the evil conjoined to the soul than the lost good. But love of that good is the cause of that sorrow for its loss. But the loss itself is apprehended as an evil.

Is all sorrow evil?

In itself it is simply an evil, for the very fact that man's desire is oppressed by present evil, is itself an evil. But, in another way, a thing is called good or evil when we assume a certain hypothesis.

Thus shame is said to be good after a base fault. If we suppose, then, some due occasion for sorrow, it pertains to goodness that one be saddened by a present evil. If it were not so, the reason would be either that the evil was not felt, or that it was not regarded as evil. And both of these are manifestly evil. "It is still a good that we grieve for lost good; for unless some good remained in nature, in penalty, there would be no pain for lost good." (*S. Aug., Gen. ad lit.*, viii. 14.)

Can sorrow be a moral good?

The Lord said (*S. Matt. v. 5*), "Blessed are they that mourn, for they shall be comforted," which word of His answers our question. But we may examine the reasons for the affirmative answer. Sorrow is, as we have seen, a good from its containing a knowledge of evil and an aversion to it. So bodily pain attests the goodness of the nature which feels the bodily evil, and shuns what is injurious to the body. But in the inward sorrow there is

sometimes right judgment of reason, and an abhorrence of evil by a well-constituted will. But all moral good comes from this rectitude of mind and will. Therefore sorrow may be a moral good.

It may be said that we feel sorrow concerning those things which happen against our will; but not to will whatever God sends is to have a will opposed to His Divine ordering; and rectitude of will requires a conformity of our will to the Divine will. But I answer that some things—viz., sins—happen contrary to God's will. And a will repugnant to sin is not discordant from the will of God. Penal evils happen indeed with God's consent. But rectitude of will does not require that man will those things considered in themselves, but that he do not oppose in his soul the order of Divine justice.

No pain or sorrow is man's greatest evil.

For every pain or sorrow is either concerning what is truly evil, or concerning some apparent evil which is truly good. But pain or sorrow from the first is not the greatest evil, for there is another worse, which is either not judging that to be evil which truly is so, or even not avoiding it. But pain or sorrow from the second is not the greatest evil, for it would be altogether worse to be so alienated from the real good.

There is always some mixture of good in pain or sorrow; sc., a will repugnant to evil.

Passing by most of the passions of the irascible soul, we will consider lastly,

§ 7. Anger.

Anger is a passion of the irascible sensitive nature, compounded, as it were, of two opposite passions.

For whoever is angry at another seeks for vengeance on him. And so the soul's motion in anger tends towards two things; sc., first, to the vengeance which he seeks and hopes

for as a good, and, secondly, anger is directed towards him from whom vengeance is sought, as towards an injurious and offensive object.

Love and hate regard one object only, the good and the evil in each case. But anger regards one object as good—*sc.*, the vengeance; another as evil—*sc.*, the injurious man, on whom vengeance is sought for.

Hate, therefore, is much graver than anger ;

for he that hates seeks his enemy's evil as evil, but the angry man seeks evil for the one at whom he is angry not as evil but as good, so far as he judges that evil to be just—*i.e.*, vengeance. And herein the virtue of justice may be exercised, if the anger be subjected to reason. (We leave out of view the Christian grace of charity.) But anger is deficient in this only, that it does not obey the command of reason in taking vengeance.

Anger may be more intense than hate; but as regards the thing desired, anger may have more of mercy in it. For hate is satisfied with no measure of evil. For those things which are sought on their own account, are sought without measure. So the avaricious seek riches without measure. But anger seeks the evil under the idea that it is just. Accordingly, when the evil exceeds due measure, then the angry man may have pity.

Vengeance seeks for penalty of wrong-doing. But penalty implies something contrary to the will, afflictive, and produced for some fault. And therefore the angry man seeks that the injurer may perceive, and feel, and know, that that penalty is come upon him in consequence of the injury which he has done. But he that hates another cares for none of these things, because he seeks the evil of his enemy as evil. This is far worse.

The foregoing considerations will make it plain that anger can only come in where justice and injustice are concerned.

All causes of anger are reducible to low esteem or contempt of the injured man.

Aristotle (Rhet. ii. 2) very properly distinguishes three kinds of low esteem; viz., contempt, hindrance to executing our will, and contumely. This low esteem produces anger, since vengeance is sought on account of that which seems to be unjustly done.

But injury is done in three ways: through ignorance, through passion, through deliberate choice of it. And the latter, most of all, produces anger, because the injurer seems to be sinning through contempt of the injured.

Again, low esteem is opposed to the proper excellence of man. But, out of all our goods, we seek this most of all. And therefore whoever does us injury, derogating from our excellency, seems to be acting through low esteem of us.

CHAPTER V.

ON VIRTUES.

§ 1. On habits.

Since virtues and vices are habits of a human agent, we need to take a brief view of what habits in general are.

A habit is a (fixed) quality or disposition of our soul, whereby we are well or ill regulated, either in ourself or relatively to something else. (Arist. Met. v. 25.) Habits stand between our active powers and their operations. For, by their definition, they have a two-fold relation: on one side to the subject of them; on the other side, to the end of that subject, which is its activity, its operation, as either the end, or leading to the end.

We may speak of bodily habits, when we mean, not the natural operations which require no habit, but that which the body does in the direct service of the soul. The body may be well or ill disposed as the servant of the soul. Such dispositions of the body we call habits.

But habits are specially in the powers of the soul.

Some are found in the sensitive soul, not as it operates from natural instinct, but as it acts under the dominion of reason.

Since a habit is something which we can rationally use or not use, we cannot properly say that the brutes have habits.

There are habits of the intellect and of the will, which will be treated of when we consider particular virtues.

Some habits are implanted in us by nature, whether distinctive of human nature in general, or peculiar to the individual. Thus some men may have a natural habit of temperance or chastity.

But many habits are caused in our faculties, so far as they are naturally passive, by repeated acts. Thus the habits of the desires are rendered virtues, by repeated acts according as they are moved by reason.

Some habits are infused by God.

For, first, there are some habits by which man is well constituted with reference to an end exceeding the powers of human nature (in itself). Such habits must be proportioned to their end. Therefore they cannot be naturally in man, but need to be supernaturally given; *sc.*, the supernatural virtues and gifts. Secondly, God may show His power by supernaturally giving habits which might have been (slowly) produced by natural powers. Thus He gave to the apostles the habit of speaking in languages which they had not acquired by study.

Habits are increased by acts if the intensity of the act is proportioned to the strength of the habit. If the intensity of the act is deficient in this respect, such a negligent act tends to weaken the habit.

As habits are generated and increased by acts, so ceasing from action diminishes them and sometimes totally destroys them.

For it removes those acts which keep off causes that corrupt or diminish those habits. Habits are *per se* corrupted or diminished by contrary agents. And where those contraries increase with lapse of time, such habits may at last be totally destroyed by long-continued cessation from their operation, as is manifest in habits of virtue and knowledge. For when any one does not use his habit of virtue to moderate his passions or inward operations, it is necessary that they advance beyond the limits of virtue, owing to the (natural) inclination of sense appetite and other powers which are directed to outward objects. So it is with those intellectual habits whereby one judges rightly concerning

the objects presented in the imagination. When a man ceases from the use of his intellectual habits, extraneous images arise and sometimes distract the mind ; so that, unless by frequent use of the intellectual habit they be cut off or repressed, a man is rendered less apt to judge rightly, and sometimes is totally disposed to the contrary. And so, by cessation from action, the intellectual habit is diminished or destroyed.

§ 2. The essence and subject of virtue.

Human virtue is a habit.

The word virtue denotes a certain perfection of a power or "faculty of the soul." But the perfection of each thing is specially viewed with reference to its end. Now the end of a power is action, and hence a power is said to be perfect as it is determined to its act.

But there are some powers which in themselves are determined to their acts, as the natural active powers. These are sometimes called virtues (in a loose or wider sense of the word). But the rational powers which are peculiar to man are not determined in any one direction, but are indeterminate towards many directions. They are determined to acts through habits, and therefore human virtues are habits.

Virtue is a good habit of action, and productive of good.

S. Augustine's definition is, Virtue is a good quality or habit of the soul, by which one lives rightly, and which no one uses badly, and which God as the sole efficient cause produces in us.

Aristotle says that "virtue is that which renders him that has it good, and his work good." (Nic. Eth., ii. 6.)

Can the intellect be the subject of virtue?

Virtue, according to our definition, is a habit which one uses well. But a habit is ordained for good action in two ways : (1) Inasmuch as by a habit of this kind is acquired

a faculty of good action. Thus man may acquire the faculty of speaking correctly, through what may be called the grammatical habit, although he does not always actually so speak. (2) In another way habit gives not only facility in acting well, but also brings it about that one rightly uses his faculty, as justice not only makes a man's will prompt to do just things, but also causes him actually to do them. But we call good not what is merely potential, but what is actual. Therefore from habits of this latter kind a man is said to do good, and to be a good man. And since "virtue is what makes a man good, and his work good," habits of the second class are properly and specially called virtues. But habits of the first class are not simply called virtues, because they do not make the work good except as one faculty is concerned, neither do they make the agent good. A man may be a good grammarian or a good artisan without being a good man. He is good *secundum quid*, and so there are intellectual virtues which are virtues *secundum quid*. But the subject of virtue proper is the will or some other human power as it is moved by the will. The will moves the powers of a man, as they are rational, to their respective acts. And therefore when a man actually does well, this results from his having a good will.

The intellect may be moved by the will, when one considers anything because he wills to do so. And so, as the intellect is related to the will, it may become the subject of virtue, properly speaking. In this way the reason is the subject of faith, for it is moved to assent to the objects of faith by the dominion of the will. For no one unwillingly believes. This belongs to the speculative intellect.

But the practical intellect is the subject of the virtue prudence. For since prudence is "right ideas concerning things to be done," it requires that a man be well disposed with reference to the principles of those things, *i.e.*, to the ends for which they are the means, which right disposition comes from rectitude of will.

All proper virtues depend in a certain way on love, which is the virtue of the will ; therefore they depend on a good will.

It is true that intellectual virtues do not make a good man ; but since the end of each thing is its good, and since the true is the end of the mental powers, to know the true is a good act of those powers. Hence, such a habit may be called an intellectual virtue.

Are the passions the subject of virtue ?

We may consider the irascible and the concupiscible passions as they are in themselves, belonging to the sensitive nature of a man. So viewed, they cannot be the subject of virtue. In another way they may be considered as they are naturally made to obey reason, and so participate in reason. So viewed they can be the subject of human virtue. For the act which proceeds from one power as that power is moved by another, cannot be perfect unless both powers are well disposed with reference to their respective activities. So the act of the artificer cannot be perfect in its kind, unless he, as artificer, is in good condition, and his instrument also. In those things, therefore, which are done through the passions as moved by reason, there must be some habit perfecting to good action, not only in the reason, but also in the irascible or concupiscible nature. The latter virtue is nothing else than a certain habitual conformity to reason in those powers.

Brutes cannot have such virtues, though they have such passions, because their passions are not subject to the empire of reason.

(1) S. Paul, indeed, said (Rom. vii. 18), "I know that in my flesh (*i.e.*, sense-appetite) dwells no good thing." But this is doubtless spoken of it as it is in itself.

(2) It might be objected, again, that since virtue is entirely in the soul, all that virtue belongs to the rational part which governs the rest ; as virtue is not in the body,

but in the soul which governs the body. But very different is the government of the passions from the government of the body. It is a very suggestive observation of Aristotle (Polit. i. 5), that "the soul rules the body with a despotic rule, whereas the intellect rules the appetites with a constitutional and royal rule." Therefore there is no virtue in the body, but only in the soul. But the passions do not obey like a slave, and they have their own proper motions, by which they sometimes oppose reason. Therefore there must be in the passions some virtues by which they may be well disposed for (good) action.

(3) Another objection. The principal act of moral virtue is choice. But the passions do not choose, but only the reason chooses; therefore virtue is found in reason only. I answer that in choice are found two things; *sc.*, aiming at the end, which pertains to moral virtue, and selecting of means to that end, which pertains to prudence. But right intention as respects the end is (partly) due to a good disposition of the passions. Therefore there are moral virtues of the passions, while prudence belongs to reason.

There are virtues of the will.

Any power of the soul needs a habit perfecting it for good action, *i.e.*, a virtue, when the proper nature of that power does not (by itself) suffice for that purpose. So far, then, as the object of the will is a good of reason proportioned to the will, so far no perfecting virtue of the will is needed. But if any good ought to be willed by man which exceeds the natural limits of the one who wills, whether it be a good transcending the natural limits of human nature, or a good which exceeds the natural proportions of the individual (as the good of his neighbour); therein the will needs a virtue. And therefore virtues of this kind, which order the affections of man towards God and towards his neighbour, have the will for their subject, as charity, justice, and the like. Each thing, it is true, naturally seeks

its own good, and so does the will naturally tend to rational good. But this is the good of the one who wills, manifested in the virtues of the passions, as temperance, fortitude, and the like.*

The virtue of the will (which is rational by its participating in reason) is either moral or theological.

§ 3. Intellectual virtues.

Every virtue is ordained for the good ; but any habit is called virtue for one or both of two reasons : first, that it gives the power to act well ; secondly, that with the power is also a good use of the power. Speculative intellectual habits do not perfect the will, but only the intellect. Therefore they may be called virtues in the first sense of the word, since they give a power of good action as regards truth, which is the good of reason ; but they are not virtues in the second sense, since they do not secure a good use of the power or habit. But a virtue which perfects the will, as charity or justice, causes one to use well these speculative habits.

There are three intellectual virtues. This will appear if we consider that the perfection of the speculative intelligence has reference to the consideration of the true, which is its proper good. Now the true may be contemplated in two ways : first, as self-evident ; in another way, as known through some other truth. Self-evident truth, seen immediately when presented to the mind, implies a virtue of the mind perfecting the intelligence to such contemplation. This virtue may be called spiritual reason (“*intellectus*”).

But the true which is known indirectly—i.e., through the medium of something else, through rational search—may be either the ultimate in our special subject of inquiry,

* All virtues, indeed, are voluntary ; but for these the nature of the will (so far as the will is concerned) suffices. But a special virtue of the will is needed where an extrinsic good is to be sought for.

or the ultimate in all human thought. For the first, there is a virtue, science ("*scientia*"), which perfects intelligence. For the second, there is a habit, a virtue, by which one assents promptly to those necessary truths which are first in the order of truth, but last to be discovered by us. This is wisdom ("*sapientia*").

Art may be called a fourth intellectual virtue, operative (not speculative), since it gives the power of producing good work, though not, as art, of making a good use of the work.

Prudence is distinguished, as an intellectual operative virtue, from art by the consideration of the things to be done by each. Art concerns things to be made ; prudence, things to be done. The latter not only gives the power of doing good work, but also of making a good use of the thing which is done ; for it presupposes rectitude of desire. It is related to human actions, as art is related to things which are made. We see that prudence requires that man be well disposed towards the ends which he aims at, which is by right desire ; and therefore this virtue requires moral virtue, which is not presupposed by art. The artificer who intentionally errs is more praised than the one who goes wrong unwillingly. But the man who sins willingly errs more against prudence than he who goes wrong unintentionally.

Prudence is a virtue peculiarly necessary for human life. For living well consists in acting well. And for this, it is demanded not only that the action be good in itself, but that the manner of doing be good also ; *sc.*, that it be done according to a right choice, and not merely from the impulse of passion. But since choice is of means to the end sought for, rectitude of choice requires both a due end, and suitable means for that due end. For the latter, man is disposed by the virtue which perfects the appetitive soul. But for the choice of suitable means he must be perfected by a habit of reason ; for taking counsel and choosing are

actions of reason. This virtuous habit is prudence. It is therefore peculiarly necessary for a good life.

On the distinctions between intellectual and moral virtues.

Reason is the primal constituent of all human operations ; and whatever other constituents are found, obey reason, some without contradiction, as the members of the body ; but others may oppose reason or impede its operation. In order, then, that man may act well, not only must reason be well disposed by a habit of intellectual virtue, but also the will and desires must be well disposed by a habit of moral virtue. As, then, the will and desires are distinguished from reason, so are the one kind of virtues distinguished from the other kind. And as the appetitive soul is a principle of human action participating in reason (after a certain manner), so a moral habit, so far as it is conformed to reason, is human virtue.

Can moral virtue exist without intellectual virtue?

Wisdom, science, art, are not necessary for moral virtue, but spiritual understanding (“*intellectus*”) and prudence are indispensable. For moral virtue is a habit by which a good choice is made ; and this requires (as we have already seen) not only that the will seek a good which accords with reason, which is its due end, but also that man rightly take the means for attaining that end ; and this can only be through reason’s rightly considering, judging, and commanding, which pertain to prudence and the virtues adjoined to it. Hence moral virtue cannot exist without prudence ; and, for the same reason, not without spiritual understanding ; for by this are known natural principles both for speculation and for action ; and prudence presupposes these principles, which are naturally known.

Something more than a natural inclination is needed, for inclination in moral virtue is accompanied by a free exercise of choice.

It is not necessary that every exercise of reason be perfect in order that a man be virtuous, but only as respects what things are to be virtuously done. In those, the virtuous man is the rational man.

Natural inclination to any moral good is a certain inchoate virtue, but it is not perfect virtue. For inclination of this kind can be more dangerous the stronger it is, unless right reason be adjoined to it, by which is made right choice of means for the due end. So a horse running away, if he is blind, strikes an obstacle the harder, and injures himself the more, the faster he runs.

Can intellectual virtue exist without moral virtue?

Every such virtue can so exist, prudence alone excepted. Prudence is right reason applied to things which are to be done, not only in certain general principles but also in such particulars as actions are. For right reason demands principles from which it may proceed. But when it is employed about particulars, it proceeds not only from general laws, but from principles which specially concern the special case before it. As regards the first, man is rightly guided by his natural understanding of primary principles, by which he knows that evil is not to be done, etc. But this does not suffice for right reasoning about particular cases. For a general principle of this kind may be corrupted in its particular application by some passion. When, *e.g.*, concupiscence overcomes a man, that appears to be a good which he desires, although it may be against the general judgment of reason. And, therefore, as man is rightly disposed respecting general principles by his virtue of spiritual understanding, or by his (moral) "science," so in order that he may be rightly guided in the special principles of his action, he requires certain habits by which it may become natural, so to speak, for him to judge rightly respecting his ends; and this is brought about by moral virtue. For the virtuous rightly judges about the end of

virtue. Therefore, for prudence it is requisite that man have moral virtue. Many may deliberate well, who lack prudence, which not only considers rightly, but also judges and orders well. This cannot be unless first be removed the impediment of passions which corrupt the judgment and the precepts of prudence.

§ 4. On moral virtues.

Can any moral virtue exist apart from the passions?

Understand here, as previously, by the word passion any motion of sense-appetite. So understood, it is evident that moral virtues which have the passions for their proper subject cannot exist without those passions. For, otherwise, moral virtues would render those passions wholly inoperative. But it does not pertain to virtue that those things which are subject to reason want their proper actions, but that they obey the command of reason while fulfilling their natural functions. Hence as virtue orders the members of the body with reference to their due outward acts, so it orders the sense-appetite for its proper and appointed acts. But moral virtues which do not directly order the passions, but concern operations, can exist without passions; *e.g.*, justice, by which the will is applied to its due act, which is not passion. But yet on the act of justice follows joy, which, although it is not a passion, may by a certain "redundance" overflow into the sensitive nature (the feelings). And so, the more perfect the virtue, the more feeling it may excite.

Why have four virtues been distinguished as cardinal?

We can consider the essence of virtue, its "formal principle," which is rational good. If we consider reason in itself, we find one principal virtue, which is prudence. Or we can again look at the objects to which the order of practical reason is applied. And these we find to be either operations, the virtue of which is justice; or pas-

sions, concerning which there are two virtues. For passions may impel to something which is contrary to reason, in which case it is necessary that the passion be suppressed by the virtue of temperance. Or the passion may keep us back from what reason dictates, through fear of dangers or labours. And so it is necessary that we be strengthened in what is reasonable, and this virtue is fortitude.

In like manner we may look at the subjects of the virtues, which are four in number. And practical reason is perfected by prudence; the will by justice; the concupiscible nature by temperance; and the irascible, by courage or fortitude.

§ 5. On the theological virtues.

Are there any theological virtues?

Through virtue man is perfected for the acts by which he is prepared for beatitude. Now there is a two-fold beatitude or felicity of man. One is proportioned to human nature, which can be attained by natural principles. But there is another, exceeding human nature's powers, to which man can attain only by divine virtue, a certain participation of Divinity, of which S. Peter speaks (2 Ep. i. 4, "partakers of the Divine nature"). And because this blessedness exceeds the proportion of human nature, natural principles do not suffice to order men for this beatitude. It is accomplished by certain principles divinely super-added. And these are well named theological, both because they have God for their chief object, because they are infused by God only, and because our knowledge of them rests on revelation only, through the Holy Scriptures.

What man has not by nature, he may have by participation with the Divine. Note, also, that these virtues are called Divine, not because they are imputed (as such) to God, but because by them we are Divinely made virtuous, virtuous towards God. Will and reason are naturally ordained for God, as their beginning and their end, but still

according to the proportions of nature. But for God, as the object of supernatural beatitude, they are not by nature sufficiently ordained.

These principles sufficiently distinguish theological virtues from the intellectual and moral virtues.

The object of the first is God Himself, as He exceeds the natural cognition of our reason. The object of the second is something which can be comprehended by human reason; *e.g.*, the intellectual virtue of wisdom considers divine things so far as they can be investigated by natural reason; theological virtue goes beyond that.

The natural love or affection which may be found in the four cardinal virtues is not the supernatural gift and virtue of charity.

The three theological virtues are those which the apostle names (1 Cor. xiii. 13), viz., faith, hope, and charity.

For theological virtues prepare man for supernatural blessedness, as by natural inclination he is ordained for his natural end. But this comes about in two ways: first, as his intellect contains the primal, universal principles known by us through the natural light of reason; secondly, through rectitude of will, which naturally tends towards rational good. But these two fall short of what is requisite for supernatural beatitude, as the apostle says (1 Cor. ii. 9), "Eye hath not seen, and ear hath not heard, neither have entered into the heart of man, the things which God hath prepared for them that love Him." Hence, it is necessary that in both respects something be supernaturally added to man which may prepare him for this supernatural end.

And first, indeed, are given to his intelligence certain supernatural yet fundamental truths which are received through divine light. These can be believed, and the virtue which receives them is (the theological virtue) faith.

But, secondly, the will may tend towards that end as attainable by us, which pertains to the virtue of hope ; and may reach a certain spiritual union with its object, which is gained by charity, a certain conformity of the will with its (supernatural) end.

In the natural order, indeed, faith and hope imply a certain imperfection ; since faith is of things not seen, and hope of things not possessed. But to have faith and hope respecting things which exceed our natural faculties, is supernatural virtue.

§ 6. How are virtues acquired ?

Are any virtues naturally in us ?

There is certainly in us by nature an aptitude, a certain imperfect foundation for virtue, in two ways, both as respects the constitution of human nature, and of the individual man. For the first, in man's reason are natural principles of things to be known and things to be done, the seed-plots, so to speak, of moral and intellectual virtues. In the will, also, is naturally a rational desire of good.

For the second, the nature of the individual, some men are (naturally) better or worse constituted with respect to certain virtues, through their bodily constitution, so far, namely, as their nervous system aids or impedes the actions of their sensitive soul (which depend on that nervous system), and, consequently, the operations of their rational powers which make use of the sensitive soul. One man, accordingly, has natural aptitude for science, another for courage, another for temperance.

But this natural aptitude for certain virtues is not the consummation of them. For nature is determined to one end alone, whereas perfected virtue is not directed in one channel only, but is varied according to the diverse matters and the diverse circumstances wherein the virtue operates. (Consider the natural operation of instinctive sympathy.)

As from bad acts habits of vice are produced, much rather from good acts are produced habits of virtue.

Man's good is measured by rule. That rule is two-fold ; *sc.*, human reason, and Divine law. And because Divine law is the superior rule and measure, its extent is wider ; whatever is regulated by human reason is regulated also by it, but not conversely. The virtue which is regulated by human reason can be caused by human acts, inasmuch as acts of this kind proceed from reason, under whose power and regulation stands the good of man.

But the virtue which ordains man for good, as regulated by Divine law, and not simply by human reason, cannot be caused by human acts, but only by Divine operation.

But is it not true that man needs the grace of God in order that he may avoid sin ? And is not sin incompatible with the possession of virtue ? I grant that the perfection of supernatural virtue is incompatible with any mortal sin ; but this is not true of virtues acquired by human efforts. For the employment of our habit is subject to our will. But not by one act of sin is a habit destroyed ; for act is not directly contrary to habit, but the contrary habit is. Therefore, although without grace man cannot live without committing some mortal sin, yet he is not hindered thereby from acquiring some habit of virtue by which he may in general abstain from evil deeds, especially those which are in the highest degree contrary to reason. There are, also, some mortal sins which man without grace cannot possibly avoid, those, namely, which are directly opposed to the theological virtues.

Are any moral virtues infused by the Spirit of God ?

All virtues, intellectual and moral, which are acquired by human acts, proceed from certain natural principles pre-existing in us. But for a supernatural destiny other virtues are needed which bear the same relation to the three

theological virtues, as moral and intellectual virtues do to their seminal principles.

§ 7. On the connection of virtues.

Can moral virtues exist without charity?

Since moral virtues, so far as operative of good with reference to an end which does not exceed our natural faculties, can be acquired by human efforts, it follows that they may be so acquired without charity. So it has been in the case of many heathen. But as they are operative of good for a supernatural end, they are more truly and perfectly virtues; and such cannot be acquired by human acts, but are infused by God. Such moral virtues cannot exist without charity. This may be proved as follows: The other moral virtues require prudence as an essential condition of their existence. (See page 66.) And prudence cannot exist without moral virtues which are present in consequence of it; inasmuch as moral virtues cause one to be well related to certain ends, and this involves the idea of prudence. But much rather does true prudence demand that one shall be well related to the ultimate end, which is the work of charity. Hence it is manifest that neither can the infused prudence exist without charity, nor, consequently, the other moral virtues, which cannot exist without prudence.

Imperfect virtues, virtues of the lower order, may be found in evil men, but not in their perfection, since they make him good who has them.

Can charity exist without the other moral virtues?

God works as perfectly in grace as in nature. But in nature's works we see that where a faculty of any kind is found there are also found the means for its due operation. But it is manifest that charity, ordaining men for the ultimate end, is the principle of all good works which are related to that end. Accordingly, together with charity

are infused all moral virtues needed in order that man may be able to perfect the various kinds of good works belonging to his supernatural life. He, then, who loses charity through mortal sin, loses also all infused moral virtues.

(1) These are not superfluous where charity exists. For in following the means by which the supernatural end is reached, man must not only have the virtue which concerns the end—*i.e.*, charity—but also the virtues which concern the means. These, indeed, are subordinate to the other, but nevertheless they are also requisite. And S. Paul, in speaking of charity (1 Cor. xiii.), is pointing out the principle and the motive of the subordinate virtues, which principle and motive is charity alone.

(2) It may still farther be objected that one who has a virtuous habit finds pleasure in the exercise of that habit; whereas many who have charity, and are free from mortal sin, nevertheless find difficulty in virtuous acts, and no pleasure except as the acts are referred to the motive of charity which produces them. But the answer is that the habits of infused moral virtues encounter difficulty of this kind through some contrary dispositions which are due to the effect of preceding acts. This difficulty does not appear in the acquired moral virtues, because, through the exercise of those acts by which they are acquired, the contrary dispositions are removed.

(3) All the true children of God have the grace of charity; but they may lack some virtues. "The saints are more humbled on account of the virtues which they do not possess, than exalted by the virtues which they have." But the truth is that they have the habits of all the (infused) virtues, but may find difficulty in the exercise of them.

Can faith and hope exist without charity?

We may consider faith and hope as existing, like moral virtues, in a certain inchoate state, which is very different

from their perfection as virtues. Perfect virtue produces perfectly good work. Not only is that good which is done, but it is well done. Thus, if any one does just actions, he does good things, but they are not perfectly good, unless they are well done, *i.e.*, through rectitude of choice, which is prudence. Therefore justice without prudence cannot be perfect virtue. In like manner, faith and hope may exist after a manner without charity, but they are not perfect virtues. For since it is faith's office to believe God, but to believe means to assent with one's will, if a man does not duly will, faith will not have its perfect work. But it is by charity that one wills in due manner, since charity perfects the will. The same thing is to be said of hope. For the act of hope is the expecting future beatitude from God. And this act is perfect if it is a well-grounded hope; and this requires charity. But if one expects the same things through merits which he has not as yet, but proposes to acquire, this imperfect act of hope can exist without charity.

Can charity exist without faith and hope?

Charity signifies more than loving God. It implies what we may call a fellowship of mutual love and communion. So S. John says (1 Ep. iv. 16), "He that dwelleth in love, dwelleth in God and God in him." This converse with God begins in this life through grace, but it will be perfected in the future life. Now, no one can have such friendship with another if he disbelieve or despair of the possibility of having fellowship with him. So one cannot be truly called (as Abraham) the "friend of God," unless he have faith in this converse of man with God, and hope that he will attain to it. So charity cannot exist without faith and hope.

CHAPTER VI.

ON VICES AND SINS.

§ 1. The nature of vice and sin.

Is vice contrary to nature?

Vice is contrary to virtue. But the virtue of each thing consists in its being well disposed towards what is agreeable to its nature. And vice consists in the contrary disposition. But man is specifically distinguished by his rational soul. Therefore that which is contrary to the order of reason, is contrary to the nature of man, as man. But man's good is the living according to reason, and his evil is the living unreasonably. Therefore human virtue which "makes a man good, and his work good," is so far according to his nature, as it agrees with reason; but vice is so far against human nature, as it is contrary to the order of reason.

(1) But virtues are not naturally in us, since they are produced either by inspiration, or by practical efforts: how, then, can vices be contrary to nature? I answer that it is true that perfect virtue is not caused by nature, but yet virtue inclines to what is according to nature, i.e., what is according to the order of reason. So far, virtue is according to nature, and vice contrary to it.

(2) It may be objected, also, that nothing which is contrary to nature is found in the majority of those who have that nature; but vices are found in the majority of men. But man has a two-fold nature, sensitive and rational. Through the operations of sense man arrives at rational

acts; and more follow the inclinations of the sensitive nature, than those who follow the order of reason, and so they fall into vices and sins.

Can sin coexist together with virtue?

Sin is related to virtue as a bad act to a good habit. But a habit in the soul does not necessarily produce its operation; but a man uses that habit when he wills to do so. Hence, while a habit remains in a man, he is able to refrain from using that habit, or he can produce an opposite act. So, while still having a virtue, he may proceed to the act of sin. And a single act does not destroy a habit, any more than it creates such a habit. But if we consider the causes of virtues, we shall see that some virtues may be corrupted by a single act. For every mortal sin is contrary to charity, which is the root of all the infused virtues as virtues. And therefore by one act of mortal sin, charity being excluded, all the inspired virtues are excluded also as virtues. Faith and hope, then, may remain in a dead condition after mortal sin, but they are not virtues.

But venial sin, since it is not contrary to charity, excludes neither it nor the other virtues.

But the acquired virtues are not taken away by any one act of sin. So, then, mortal sin cannot coexist with the infused virtues; but it can so exist along with the acquired virtues; but venial sin may coexist with both.

In every sin is there some act?

S. James answers this question (iv. 17), saying, "To him that knoweth to do good, and doeth it not, to him it is sin." Sins of *omission* are now before us. And if we consider in them that only which, *per se*, pertains to the idea of sin, we see that sometimes the sin of omission is accompanied by an inward act, as when one wills not to go to church, to stay away. But sometimes the sin of omission has no act either inward or outward, as when one, at the

hour in which he is bound to go to church, does not think either of going or of not going.

But if in the sin of omission we include the causes or the occasions of the omission, then it is necessary that there be some act. For there is no sin of omission unless one pre-termit what he is able to do or to leave undone. But our not doing that which we can do or leave undone, must be from some cause or occasion conjoined or preceding. And if, on the one hand, that cause is not in a man's power, the omission is no sin, as when one omits going to church on account of some (physical) infirmity. But if the cause or occasion of the omission is subject to the will, the omission is sin; and then, in every case, that cause, as voluntary, has some act, at least the interior act of the will. This act indeed is sometimes directly turned to that omission, as when one wills not to go to church in order to avoid the trouble of doing so. Then such an act, *per se*, pertains to the omission. For the willing of any sin pertains to that sin, since all sin is voluntary.

But sometimes the act of the will is directed to something else, through which a man is hindered from doing what he ought. This may be conjoined to the omission, as when one wills to play at some game when he ought to go to church; or it may precede the omission, as when one wills to sit up late, and in consequence misses the morning service in church (when he ought to be there). In this case the inward act is *per accidens* with respect to the omission, since the latter was not intended. We may say, then, that some sin can exist without any act.

Remember that more is required for good than for evil, since the good demands "the whole, complete cause, but evil arises from particular defects." Merit, therefore, cannot exist unless what one does he does voluntarily and as he ought. So it requires an act. The act of sin is not parallel with this.

Every sin is voluntary ; and where there is no will there is no sin. But the not-willing is voluntary whenever it is in the power of a man to will or not to will.

There is a seeming objection, that if this be true one sins continually who never does what is his due act. But this is false.

I answer that we must remember that the sin of omission is against some affirmative precept. And such precepts do not bind continually. The sin, therefore, is prolonged just as long as the precept binds which is neglected.

§ 2. Divisions.

(1) *S. Augustine's division, viz., a word, deed, or thought which is contrary to eternal law, rests upon most solid foundation.*

For while the primary cause of sin is in the will, yet there are outward acts commanded by the will which are in themselves bad and so are distinguished in the division. And the root of sin in aversion from God is pointed out in the second part of the definition, viz., sin is "contrary to eternal law" (*i.e.*, the Divine Reason and Will). According to positive law, indeed, not every sin is evil because it is prohibited ; but some things are prohibited because they are evil. But according to the law of nature, which rests upon eternal law, every sin is an evil because it is prohibited.

(2) *Sins are also either spiritual or carnal.*

They take their species from their objects. But every sin consists in inordinate desire of some changeable good ; and, consequently, when that good is obtained, there is inordinate pleasure. But pleasure is two-fold : one, spiritual, derived from the apprehension of some thing desired and possessed, *e.g.*, the applause of men ; another, corporeal or natural, from which may spring carnal sins, as glut-

tony or lust. In sins of the latter kind there is a spiritual act—*sc.*, the act of reason—but the end is corporeal pleasure.

(3) *Sins are also either against God, against self, or against our neighbor.*

Sin is an inordinate act. But there is a three-fold order to which man is bound to conform : one, the rule of reason as the director of all our actions and passions ; another, the rule of Divine law by which we ought to be directed in all things. And if man were naturally a solitary being, this two-fold order would suffice. But man belongs to society, and a third order is needed by which man may be ordained with respect to other men among whom he ought to live.

But the second of these orders (the Divine law) contains the first, and exceeds it. For whatever things are contained under the order of reason are contained under the law of God Himself. But some things are contained under the latter which exceed human reason, as those things which are of faith, and are due to God alone. Hence, those who sin in such things are said to sin against God, as the heretic, the sacrilegious, the blasphemer.

Similarly, the second order contains the third and exceeds it. For in all things which concern our neighbour we are to be directed by the rule of reason. But in some things we are directed by reason which concerns ourselves only, and not our neighbour. In these a man is said to sin against himself, as the intemperate, and the wasteful. This distinction is according to the objects of sins, which diversify their species.

Observe, also, that by the theological virtues man is ordered with reference to God ; temperance and courage are cardinal virtues directed towards self ; but justice is towards one's neighbour.

Do circumstances change the species of sin?

Where the motive for transgression is different, there is difference in the sin ; for the motive is the end and object. But sometimes where the circumstances are corrupt the motive remains the same ; as the illiberal man from the same motive may keep when he ought not to do so, and where he ought not, and more than he ought, all on account of his inordinate desire of wealth. In such corrupt circumstances, the sin is one and the same. But when such corruptions spring from different motives, the species of sin is changed.

§ 3. On the comparative guilt of sins.

Are all sins necessarily involved in one another?

The intention of him who acts virtuously in following reason is different from him who sins in turning away from reason. For the aim of the virtuous is one, *sc.*, to follow the rule of reason ; and therefore all virtues tend towards the same end, and are connected in the right view of things to be done, which is prudence. (See page 65.) But the aim of the sinner is not to recede from what reason demands, but is rather towards some desirable good, from which his sin derives its specific character.

But such goods are diverse, have no (necessary) connection, and are sometimes even contrary to one another. Sins therefore have no necessary connection.

(1) But does not S. James say (c. ii. 10), " Whosoever shall keep the whole law, and yet stumble in one point, he is become guilty of all " ? But he is speaking of sin, not as the turning to transitory good, but as aversion from the commands of Divine law. But all the commandments have one and the same origin, as S. James himself says. And so in every sin God is despised. Thus he who offends in one point is guilty of all because he incurs the penal guilt of contempt of God, which is one in all sins.

(2) But as the love of God is the root of all virtues, is not self-love the root of all sins, and consequently the ground of connection, so that he who has one, has all? I reply that the cases are opposites; for the love of God draws our affections from many to one; and therefore the virtues which are caused by that love are connected. But self-love draws the affections to various and diverse ends, and therefore the vices and sins which are caused by it are not so connected.

Sins differ in gravity according to their objects.

The gravity of sins differs as one sickness is more serious than another. For as the good of health consists in a certain proportion of the animal frame, its constituents, its functions, to the needs of the animal, so the good of virtue depends upon the proportion of human acts, their due relation, to the rule of reason. But the sickness is more serious the further the departure from the above standard, and the nearer it approaches to the vital organs. Disease of the heart is ordinarily more dangerous than disease in the foot. So sin is more grave the more the disorder touches higher principles. But reason orders all actions with reference to the end; therefore the sin is greater which concerns the higher ends. And the end of the action is the object of the action. Thus difference in the gravity of sins depends on the difference in their objects. So the sin against a man is greater than the sin which concerns merely external things; homicide is more serious than theft. And still greater is the sin which is committed immediately against God, as infidelity or blasphemy.

Spiritual sins are of greater guilt than carnal sins.

Not that every spiritual sin is greater than any carnal sin; but, other things being equal, the former are of greater guilt. And this for three reasons. (1) Spiritual sins pertain to the spirit to which it belongs to be converted

to God or to turn away from Him. But carnal sins are consummated in fleshly pleasure which chiefly turns to corporeal good. And therefore carnal sin (as such) is more marked by a turning towards the thing. But spiritual sin contains more of aversion (from God), from which comes the guilt, and it is therefore a greater sin.

(2) Carnal sin, as such, is against one's own body, which, in the order of charity, is less to be loved than God and our neighbor, against whom spiritual sins are committed; and therefore spiritual sins, as such, are of greater guilt.

(3) The stronger the (outward) impulse towards sin, the less is its guilt. But carnal sins have the stronger impulse (outwardly), from the inborn concupiscence of the flesh. And therefore, once more, spiritual sins are, as such, of greater guilt.

There are apparent exceptions to this rule—*e.g.*, adultery is a graver sin than theft; but the former is not only the fleshly sin of lust, but the spiritual sin of injustice, and that of a graver sort than simple theft.

And the devil is said to rejoice especially in the carnal sin of lust, because it cleaves most closely to a man, and is most difficult to escape from. Incontinent concupiscence, which is carnal, is also more shameful than incontinent anger, because it is irrational, and makes man more like the brutes.

Does the gravity of sins depend upon the cause of sin?

The question is equivocal, because we may consider, first, what is *per se* the proper cause of sin, which is the will to sin. Sin is the fruit of that tree, and "the tree is known by its fruit." And the greater this cause, the greater is the sin.

But other causes are extrinsic and remote, from which the will is inclined to sin. And we must distinguish among these. For some induce the will to sin, in agreement with its own nature, as, *e.g.*, the end, which is the

proper object of the will. And from such a cause the sin is rendered greater. For he sins more gravely whose will, aiming at a worse end, is inclined to sin. But there are other causes which incline the will to sin, against the nature and order of the will itself, which is naturally made to move freely by its own direction according to the reason. Hence causes which diminish the judgment of reason—*e.g.*, ignorance—or which diminish the free action of will, as infirmity, or violence, or fear, in diminishing the voluntary, diminish also the sin. And if the act be altogether involuntary, it is not a sinful act.

It may be said that the greater the concupiscence, the less is the sin, and therefore the greatness of the cause makes the sin so much the less. But if we include in concupiscence the motion of the will itself, then, where there is greater concupiscence, there is greater sin. But if by concupiscence we mean a passion of our lower nature, then greater concupiscence, if it precede the judgment of the reason and the motion of the will, diminishes the sin; because he who sins under the influence of greater passion, falls through greater temptation, and less is imputed to him. But if concupiscence, so understood, follows the judgment of the reason and the motion of the will, then, where there is greater concupiscence, there is greater sin. For sometimes this stronger passion rises because the unbridled will is tending to its desired object.

Is sin greater as the injury done is greater?

The injury has one of three relations to the sin. (1) It is foreseen and intended, as a malicious homicide or theft. And then the quantity of injury directly increases the gravity of the sin, because injury is *per se* the object of the sin.

(2) Sometimes, again, it is foreseen, but not intended, as when one, passing through a field in order to commit a crime, knowingly does harm to the growing crop, but not with the intention of doing harm. Then, also, the quan-

tity of injury aggravates the sin, but indirectly ; inasmuch as it proceeds from a will inclined to sin, that he does not avoid doing harm either to himself or another, which, simply, he would not have willed to do.

(3) But sometimes the injury is neither foreseen nor intended, and if it is accidental with respect to the sin, it does not directly aggravate the sin. But, on account of negligence in not considering the injury which might happen, the evils which happen unintentionally incur a penalty if a man was engaged in an unlawful act. (Cp. Common law.)

(4) But if the injury *per se* follow from the act of sin, though it be neither intended nor foreseen, it directly aggravates the sin ; because whatsoever *per se* follows from sin pertains in a certain way to the sin itself ; *e.g.*, if scandal follow from the sin, though not sought for nor clearly foreseen, the sin is directly aggravated by this. But because sin is aggravated by the injury done, it does not follow that this is the only aggravating condition. For sin *per se* is greater as it is more inordinate. And the injury itself aggravates the sin so far as it makes the act more inordinate. So it does not follow that if sins against our neighbor do most harm, they are therefore the worst of sins. There is greater disorder in sins against God, and in some of those which are against one's self.

It may be said, also, that although no injury can be directly done to God, it may be attempted against those things which are especially related to God, as the attempt to exterminate the faith, to profane what is holy, which are gravest sins.

It is said, also, that no one willingly injures himself, and that this shows that consequences do not aggravate sin, for some of the gravest sins—*e.g.*, suicide—are against one's self. But this is only true *secundum quid*, for the suicide knowingly and willingly does harm to himself, though he is seeking as his end some apparent good.

§ 4. The subject of sin.

Is the will the subject of sin?

There are acts which do not, like sawing wood, pass over to exterior matter, but remain in the agent of them, as desiring and knowing. Moral acts, whether of virtue or vice, are of this latter class. So, then, the proper subject of the sinful act is the power which is the principle of activity. And since it is characteristic of moral acts that they are voluntary, it follows that the will, which is the source of voluntary acts, is the seat of sin.

It might be objected, (1) that evil is always against will and intention. And that is true, if it be regarded as evil. But some evil is apparent good, and sin is so regarded, and is voluntary.

(2) But, again, does not this regarding evil as good seem to be rather defect of understanding than defect of will? I answer that if the defect of knowledge were not subject to our will, there would be no sin either in will or judgment. This is true of those who labor under invincible ignorance. But, otherwise, this defect of understanding is sin.

Is the will alone the subject of sin?

Voluntary acts, as we have seen (see page 10), are not only those which are elicited from the will, but those which are commanded by the will, and which other powers execute. Hence all those powers which can be moved to their acts by the will, or restrained from those acts by the will, can be the subject of sin. And these same powers also are the subject of moral habits, good or bad.

Will, then, is the cause of sin, not the only subject of it.

The members of the body are not a parallel case. For they are merely the organs of activity, and are in no sense free. Therefore there is no moral transgression in them.

There may be sin in sense-appetite.

For there may be sin in any power of the soul whose act is voluntary and inordinate. Among such acts are those of sense-appetite ; therefore there can be sin in them.

(1) But is not this sensuous nature common to us and the brutes ? Whereas sin is peculiar to man, who alone is praised or blamed for his acts. So it seems that there can be no sin in it. The answer to this is easy. Our sensuous nature is joined to reason and fitted to obey reason. Thus the acts of our sense-appetite may be voluntary, and the subject of sin.

(2) Again, it may be said that no one sins in what he cannot avoid ; but we cannot avoid the inordinate acts of sensuality as long as we live this mortal life. I answer that it is true that the perpetual corruption of our sense-nature, our birth-sin, is never totally taken away in this life. But such *corruptio fomitis* does not prevent man from repressing by reasonable will each inordinate motion of sensuality as it arises, say, by diverting his thoughts into another channel. But while one is doing this, some inordinate motion may arise from this new source. Thus when one, wishing to avoid the inordinate motions of concupiscence, turns his thoughts to science, some unpremeditated thought of vainglory may arise in his soul ; and so man cannot avoid motions of this kind, on account of this innate corruption. But the idea of voluntary sin in this connection implies that we can shun the separate motions as they present themselves.

(3) There is indeed no deliberate action in these cases, and what a man does without rational deliberation is not perfectly his act. Consequently it cannot be a perfect act of virtue or of vice. Hence, such motions of sensuality, anticipating reason, may be venial sin, as sin (in a certain way) imperfect.

Can there be mortal sin in our sense-nature?

Disorder which corrupts the principle of spiritual life, the ultimate end, causes the spiritual death of mortal sin. But to ordain anything for its end does not belong to sensuality, but to the reason alone. To it, therefore, alone belongs inordination with respect to the end. Hence, mortal sin is not attributed to the lower nature, but is only in the higher.

(1) We may sin mortally with reference to sensuous objects, because the sensuous act can concur in that sin. But the sin is not mortal because it belongs to sense-appetite, but because it is a rational act, and it is reason's office to order man with reference to the end which he aims at.

(2) Again, there are virtues of the irrational nature, such as temperance and fortitude; but the act of virtue is perfected by reason and will which has power to choose; for the act of virtue requires choice. Hence, with the virtue of the desires, of the passions, is joined (if they are completely virtuous acts) the act of prudence, which perfects our rational nature. So is it, also, in mortal sin.

(3) The venial sin which may exist in the sensuous nature, is a disposition for mortal sin which belongs to the rational nature only.

Can there be sin in the reason?

Yes; and that in two ways. For reason's office is twofold: first, to know its proper object, which is any truth; next, to direct the other powers of the soul. In both respects there can be sin in reason. First, as it errs concerning the truth, when it can know and is bound to know that truth; next, when it either commands the inordinate acts of the lower nature, or deliberately neglects to check them.

(1) The objector may ask, Is not error due to defect in reason, to ignorance, which is an excuse for wrong rather than a sin? And this objection stands, if we speak of involuntary ignorance. A madman is not responsible for

his acts. But ignorance of that which one can know and ought to know, is itself a sin. But reason's defect in directing the other powers of the soul is always imputed to it as a sin.

Is voluntary pleasure in the thought of sin, "morose delectation," a sin of reason?

Reason can direct not only outward acts, but also inward passions. And when it fails to do so, there is sin in it. But there are two kinds of sin in this inward government; one, when a man deliberately excites in himself the (inordinate) passion of anger or concupiscence (or whatever the passion may be); another, when he does not repress the illicit motion of passion. He perceives that the thought is inordinate, but yet he allows it to remain, does not expel it. So, the sin of morose delectation is in the reason (though not in that alone). I am not speaking of the mere length of time that the evil thought remains in the mind, but of the deliberate failure to repress the thought of evil, in which the desires of the soul find pleasure.

The supreme judgment and final consent to the act of sin, which inwardly consummates that sin, is in the higher reason alone which turns away from the eternal law of God.

Consent to the pleasure of that sin is only a preamble to that final judgment, and is a lower act of reason.

Consent to pleasure in the thought of sinful acts is itself a sin when it means that the affections are voluntarily inclined to those acts.

For one takes pleasure only in that which is conformed to his spiritual or bodily state. But that one deliberately choose such conformity of his disposition to mortal sins, is itself a mortal sin.*

* We may distinguish three forms of internal sin: (a) free and continued pleasure in imagined evil, implying consent to it, the "*delectatio*

§ 5. The causes of sins.

How can sin have a cause?

Sin is any inordinate act. As act, then, it must have a cause, like any other act. But as inordinate, it has a cause as negation or privation is caused. But a cause of a negation may be assigned in two ways: first, the absence of the productive cause is a cause of the negation as such. For on removing of the cause follows removing of the effect; as the absence of the sun is the cause of darkness. But, in another way, that cause which produces a certain result is the cause *per accidens* of some negation—i.e., of the absence of something else which is inconsistent with that result which actually follows from the acting cause. Thus, if cold be considered as a positive thing, the fire is the cause *per accidens* of its absence.

But since the inordination of sin and every evil whatsoever are not mere negations, but privations of that which a thing is fitted for and ought to have, such inordination must have an efficient cause *per accidens*. For that which anything naturally has and ought to have will never be absent except through some impeding cause. And thus it is correctly said that the evil which consists in any privation has a “*causa deficiens*,” or an efficient cause *per accidens*. But this carries us back to an efficient cause *per se*.

Since, then, sin on the part of the inordination has an efficient cause *per accidens*, but, on the part of the act done it has an efficient cause *per se*, it follows that the inordination of the sin results from the cause itself of the act.

morosa” of the text; (b) the same respecting past sin, implying approbation of it, although skill, etc. (e.g., in trade), may be admired without approving the act, as “the lord commended the unjust steward” (lascivious tales, however, having their own special danger); (c) sinful desires with an act of will, which is efficacious, when there is intention of acting out the desire (S. Matt. v. 28). The evil thought rejected at once is not sin.

And our conclusion is that the will which is not directed by the rule of reason and the Divine law, in aiming at some transitory good, causes the act of sin *per se*, but the inordination of the act *per accidens*, and apart from the intention ; for the lack of order in the act results from lack of direction in the will.

We find a cause of sin, therefore, because sin is not only privation, but an act in which that privation is found.

And causality does not here imply necessity of sin, for necessary causality means a sufficient cause with no hindering cause. And sin as caused, is not necessary effect, because the result can be hindered. One might ask whether good or evil is the cause of sin, and say that good cannot be such a cause, and evil is the very sin itself which is in question. But I reply that ungoverned will is the cause of sin, and the cause is good, along with the absence of another good.*

We may find four inward causes of sin, and sometimes all four concur.

First, the senses or the imagination, which present something pleasurable to the soul ; next, desire, which is inclined to it as pleasurable ; next, reason, which approves of it without reference to the due rule and law ; lastly, the will, which consents and perfects the act of sin.

Has sin an outward cause ?

Such outward cause, if it exist, might be the cause of sin in either of three ways ; either by directly moving the will itself, or by acting on the reason, or by moving sense-appetite (the senses, the imagination, or the desires).

But God only, who cannot be the cause of sin, can directly move the will. Nothing outward, then, can be the cause

* The reasoning of S. Thomas Aquinas may here seem very subtle to one who has not previously looked into its subject. But it demands and will well repay careful and prolonged thought.—J. J. E.

of sin, unless it move the reason by persuasion, or unless it move the sensual desires, as some outward sensible things act upon those desires. But when anything is to be done, persuasion does not move the reason by force of necessity. Nor do outward things necessarily move the desires except in certain abnormal conditions of the soul (when one is not responsible for his acts). Desire, also, does not of necessity move reason and will. Hence an outward cause may contribute to the sinful act, but is not an adequate cause. That adequate cause is the will only.

§ 6. Relations of ignorance to sin.

Is ignorance ever the cause of sin?

A cause may be such *per accidens*, by removing what hinders the result (as a flaw in a casting may be, *per accidens*, the cause of the wreck of a steamer). In this way ignorance may be the cause of the sinful act, for it is a privation of that knowledge which perfects reason as director of human actions and capable of prohibiting the act of sin. But reason directs human acts through two-fold knowledge, one general, the other particular (knowledge of the law, and knowledge of the fact). For when one considers what he shall do, he has a sort of syllogism in his mind ; and his conclusion is his judgment, choice, or operation. And his particular decision is brought under some general rule or law by some particular proposition. Thus a man is prevented from the act of parricide by knowing that fathers are not to be killed, and by knowing that this man is his father. Therefore ignorance of the law or ignorance of the fact may cause the act of parricide. Hence it is evident that not all ignorance on the part of the sinner is the cause of his sin, but only that which prevents the knowledge which would have prohibited the act of sin (antecedent ignorance is cause of the outward act ; consequent ignorance, of its sinfulness). Hence if the will of any one

is so disposed that he would not be hindered from the act of parricide by knowing that the man is his father, his ignorance of his father (concomitant ignorance) is not the cause of his sin. He does not sin through ignorance, but he sins in ignorance. (Nic. Eth., iii. 1.)

(1) Ignorance may be purely a negative ; but negatives may be causes *per accidens*, in removing what hinders a result.

(2) It is true, also, that every sin is in a bad will, and that a thing must be apprehended and not unknown, in order that it may be willed. But that which is willed may be partly known and partly unknown. Thus one may know that the being whom he kills is a man, without knowing that it is his father.

Is ignorance a sin ?

Distinguish ignorance from nescience. The latter is simply negative, the simple negation of knowledge.

But ignorance is privative, privation of knowledge of those things which one is fitted to possess. But some of these things every one is bound to know ; *sc.*, those things without which it is impossible to perform rightly the acts which are due from us. Hence all are bound to know the first principles of the faith and of the law of nature ; and individuals are bound to know those things which belong to their state or office. But there are other things which we are fitted to know, which we are not in general bound to know, as the theorems of geometry.

But it is manifest that whosoever neglects to possess or to do what he is bound to have or to do, is guilty of a sin of omission. Ignorance, therefore, of those things which one is bound to know, if it be due to negligence ("consequent ignorance"), is a sin. But negligence is not imputed to a man who does not know what he cannot know. This ignorance is called invincible, that which cannot be overcome by due inquiry. Such ignorance, not being in our power,

is involuntary and is not sin. But vincible ignorance is sin, if it concern those things which one is bound to know.*

(1) This is not inconsistent with our definition of sin, as "a word, deed, or thought opposed to God's law," for the opposite negations are included in the definition, so far as omission has the nature of sin. And so negligence which makes ignorance to be sin, is included as a (wilful) passing by of what ought to be said, done, or thought, in order to acquire due knowledge.

(2) Sin is more directly opposed to grace than to ignorance. But privation of grace is rather a penalty following on sin than itself a sin. Why, then, is privation of knowledge a sin, and not privation of grace? To this I reply that negligence, also, in preparing one's self for the reception of that grace, may itself be a sin. And yet even herein there is a difference; since man can acquire the knowledge now spoken of by his own acts, but grace is purely the gift of God.

(3) Again, it may be objected that sin is taken away by penitence, but ignorance is not so removed, and therefore it cannot be sin. But observe that the negligence does not remain after penitence, and so what makes ignorance to be sin is removed.

(4) Though the sinful ignorance constantly continues in the sinner, he does not continually sin, but, as in other sins of omission, only at that time when the affirmative precept is obligatory; *sc.*, when there is fit opportunity to acquire that knowledge which he is bound to possess.†

Does ignorance totally excuse from sin?

Ignorance in itself renders the act which it causes an

* If one knows that the outward action is wrong, no invincible ignorance respecting the laws of spiritual morality can excuse his evil desire of that action.

† Affirmative laws bind only under suitable conditions; negative laws are continually binding.

involuntary act. But ignorance is said to cause that act which would be prohibited by the corresponding knowledge. Such an act would be contrary to the will if knowledge were present; *i.e.*, it would be involuntary.

But if that knowledge would not prevent the act from being done, because of the will's inclination to it, ignorance of this knowledge does not make a man to act involuntarily, but he acts, not willing the result. (Note the distinction between unwilling, and not-willing.) (Nic. Eth., iii. 1.) Such ignorance which is not the cause of the sinful act, not causing the involuntary, does not excuse from sin. The same is true of any ignorance which does not cause the sinful act, but is consequent upon or concomitant with the sinful act. But ignorance antecedent to the act of will, since it causes the act, produces an involuntary act, and does excuse from sin.

And yet sometimes that ignorance which is the cause of the sin does not totally excuse it, for two reasons. First, on the part of the thing which is unknown. For ignorance so far excuses from sin, as one does not know the action to be sin. But it may happen that one is ignorant of some circumstance which, if known, would prevent his doing the sinful act, and yet he knows that he is doing wrong. He may do bodily injury to some one, knowing that he is injuring a man, and yet not know that that man is his father, which is a circumstance constituting a new species of sin. Or perhaps he does not know that, striking another, he will be struck back, which knowledge might hinder his doing so. And although such a one sins on account of ignorance, yet he is not totally excused from sin, because he knows that he is doing wrong. Again, the ignorance itself may be voluntary, either directly, as when one does not wish to know, in order that he may be more free in sin; or indirectly, as when one, on account of the labor required, or other occupations, neglects to learn that which would keep him back from sin. Such negligence makes the ignorance

voluntary and a sin, if it is of those things which one can know and is bound to know. Such ignorance, therefore, does not totally excuse from sin. But if there be ignorance altogether involuntary, either because it is invincible, or because it is of that which one is not bound to know, such ignorance altogether excuses from sin.

Does ignorance diminish sin?

Since every sin is voluntary, so far as ignorance diminishes the voluntary, so far it diminishes sin. But it is manifest that the ignorance which totally takes away the voluntary, and so takes away the sin, does not diminish, but annuls it. But the ignorance which is not the cause of the sin, but concomitant with it, neither diminishes nor augments the sin. Therefore only that ignorance can diminish the sin, which is the cause of it, and yet does not totally excuse it. But sometimes it happens that such ignorance is directly and *per se* voluntary (consequent ignorance), as when one wilfully is ignorant in order that he may more freely sin. And such wilful ignorance ("*ign. affectata*") seems to increase the voluntary, and the sin.

But sometimes the ignorance which is the cause of sin is not directly voluntary, but only indirectly ; as when one is too lazy to study, and so is ignorant ; or he wishes to drink wine immoderately, and so loses sober judgment. Such ignorance may diminish the voluntary and the sin. For when anything is not known to be sin, it is not directly chosen as sin. Hence the contempt of Divine law is less, and consequently the sin is less. So S. Paul says (1 Tim. i. 13), "I obtained mercy because I did it ignorantly."

It is true that every sinner is ignorant, but his ignorance is not the cause of his sin, but it is something consequent to the proper cause, which is a passion or habit inclining to sin.

§ 7. The moral relations of sense-appetite to sin.

Is the will moved by the passions?

Passion cannot directly draw the will after it, but it can do so indirectly in two ways: first, by what we may call abstraction. I mean that since the soul is one agent (and of limited power), when it acts in any one direction, its power in other directions is reduced, or even totally annulled. In other words, the operations of the soul require a certain energy, which, if it be vehemently applied to one object, cannot at the same time be applied to another. And in this way, when the motion of sensuous appetite is strengthened through some passion (this is so far an abstraction of mental strength), of necessity the strength of rational appetite, *i.e.*, of the will, is diminished or totally impeded.

Secondly, the same result is produced on the side of the object of the will, which is the good apprehended by reason. For the judgment and apprehension of reason are impeded through the vehement and inordinate act of the imagination and that animal power of apprehension which we share with the brutes (*vis æstimativa*). We see this in many insane persons. But this apprehension and judgment follow the passions, just as the judgment in taste follows the condition of the nerves of the tongue. Hence we see that men who are moved by any passion do not easily turn their imagination from the things which so affect them. Consequently the rational judgment, and then the motion of the will which is naturally adapted to follow that judgment, follow the impulse of the passions.

Can reason be overcome by passion, against its knowledge?

That is, is it possible for a man overcome by passion to do what he knows is forbidden, while he knows this? Socrates thought that knowledge could never be overcome

by passion, and hence he assumed that all virtues were (habits of) knowledge, and all sins resulted from ignorance. And this, in a certain way, is true; because, since we always will the good or the apparent good, the will is never moved to evil as evil, but only as an apparent good. Ignorance or error of reason accompanies all transgression.

But experience also shows that many act contrary to their own knowledge. "That servant which knew his lord's will, and made not ready, nor did according to his will, shall be beaten with many stripes" (S. Luke xii. 47). "To him that knoweth to do good, and doeth it not, to him it is sin" (S. James iv. 17). We must therefore make a distinction. (Nic. Eth., vii. 3.) For since man is directed in right conduct by a two-fold knowledge, defect in either suffices to hinder rectitude of will and act (p. 92).

(1) Sometimes it happens that a man has knowledge of the universal law, but yet does not know in particular, that his desired act comes under the law. This will suffice to prevent his will from following the principle which he clearly knows.

(2) Again, it is to be considered that nothing prevents a thing from being habitually known, which is not actually taken into consideration. It may happen therefore that a man knows the principle of conduct and has correct knowledge of his individual act, and yet does not actually consider, and so he may act against his knowledge.

But that a man does not consider in the particular case what he habitually knows, may result (*a*) from defect of intention alone; as when he is familiar with the principles of geometry, but has no intention of considering the conclusions of the science, which he can do at once if he chooses so to do: (*b*) but sometimes a man does not consider what he habitually knows, on account of some supervening impediment, say, on account of some other occupation, or of some bodily infirmity. And in this mode, he

who is under the strong influence of some passion does not consider in the particular question before him what he knows in its principle. And passion may impede his consideration, first, by what we have previously called a kind of abstraction; next, by opposition, since passion generally inclines to the opposite of what is known in its principle; and lastly, through the bodily effect produced by passion, which may prevent reason from freely exerting its proper influence. So sleep and intoxication through the body enchain the mind. Certainly this may happen also through intensity of passion, which may be so strong as to render a man totally deprived of reason, and (for the time at least) insane.

(1) It may seem as if the stronger were overcome by the weaker, since the certitude of knowledge is the most fixed of our mental possessions. But it must be remembered that general principles which are so fixed, are not chief in action which concerns particulars, individual things. It is not so strange, therefore, that passion should act against knowledge of principles, when consideration of the particular application of those principles is lacking.

(2) It is passion which makes some thing appear good to reason, which is not so, and thus the special judgment is against reason's general knowledge.

(3) It is true that one cannot have two contrary opinions at once. But he can have one habitual principle while its opposite is immediately before his mind.

(4) Speaking logically, he may subsume his particular judgment, under another universal (say, that pleasure is to be sought for) instead of the one which he habitually possesses.

Sins of passions are rightly called sins of infirmity.

For as the body is infirm when any of its operations are enfeebled or hindered by the disorder of any of its organs, so the soul may be impeded by the disorder of any of its

powers. And as the parts of the body are said to be disordered when they do not follow the order of nature, so we speak of an inordinate condition of the soul, when reason is not supreme. Sins of infirmity, then, are found when the passions affect the sensuous soul, contrary to the order of reason.

Inordinate self-love is the cause of all sin.

For the proper and *per se* cause of sin is the turning of the soul to transitory good. This comes from some inordinate desire. But this inordinate desire has its origin in inordinate self-love.

Such inordinate desires are distinguished by the apostle as "the lust of the flesh, the lust of the eyes, and the pride of life" (1 Ep. S. John ii. 16).

Do passions diminish the gravity of sins?

Sin consists essentially in the act of free choice, which proceeds from the reason and the will. But passions, the motions of sense-appetite, can either precede or follow this free choice. Antecedently, the passion may incline the reason and the will. But, on the other hand, subsequently, the intensity of our will may draw after it the passions.

Now in the first case the passion which precedes the act of sin diminishes its gravity. For the act is so far sin as it is voluntary, and in our own power. And the less our act proceeds from the impulse of passion, the more fully voluntary it is. Passion, then, diminishes sin so far as it diminishes the voluntary nature of our act.

But it is the opposite with consequent passion, which is a sign of the greatness of the sin, because it shows the intensity of the will in sinning.

(1) More intense passion does not make greater sin, because the passion is the cause of the sin on the side of sin's turning to seeming good. But the gravity of sin, on the other hand, depends upon the soul's turning away from God (or, the intensity of the will in such turning away).

(2) In like manner good sentiments following the judgment of reason, increase the merit of virtuous acts ; but if they precede it, the man acts more from feeling than from reason, and his act is less meritorious on that account.

Does passion totally excuse from the guilt of sin ?

Any act which is bad in itself is entirely excusable only when it is entirely involuntary. Passion, then, which has this effect renders the act excusable ; otherwise, not.

With respect to this consider two things : (1) a thing may be in itself voluntary, when the will is directly turned to it ; or it may be voluntary in its cause when that cause is willed, and the effect is not directly willed. Thus, to him who voluntarily intoxicates himself, his drunken acts are rightly imputed.

(2) A thing may be voluntary directly or indirectly when the will could prohibit it and did not.

Passions, then, may be so great as to take away totally the use of reason. But if the beginnings of the passion were voluntary, the resulting acts are voluntary in their cause, and are imputed as sin. Here is the voluntary intoxication of the soul. But if the cause was not voluntary but natural—say, some bodily disease depriving of reason—then the act is strictly involuntary, and is no sin.

But often the passion is such as does not intercept totally the use of reason, and then the passion can be excluded by our turning to other thoughts, or by our impeding its results. Such passion does not entirely excuse from sin.

(1) But does not S. Paul say (Gal. v. 17), “The flesh lusteth against the Spirit, and the Spirit against the flesh ; for these are contrary the one to the other ; so that ye may not do the things that ye would” ? And, if so, does not passion totally excuse sin ? I answer that the impossibility spoken of does not refer to the outward act, but to the inward motion of concupiscence, from which the Christian would gladly be free. So S. Paul says (Rom. vii. 19),

“The evil which I would not, that I do.” It is true, also, that the will through passion acts against its own preceding purpose.

(2) But if passion causes ignorance in the particular case in question, why is it not a complete excuse for sin? I reply that the excusing ignorance is that (invincible) ignorance of the circumstances of the case which cannot be surmounted by any diligence. But passion causes ignorance of the law in its special application, by hindering one from applying his knowledge of the law to his particular case, which passion reason can repel.

(3) Bodily infirmity may be a total excuse, since it is involuntary, as in the insane.

Sins of passion may be mortal sins.

Mortal sin consists in aversion from God, man's ultimate end. This aversion belongs to deliberative reason, whose office it is to ordain man with reference to his end. The only way, therefore, in which it can happen that the inclination of the soul to what is contrary to its ultimate end may not be mortal sin, is that deliberative reason has no share in that inclination. This happens in the sudden motions of passion.

But when any one proceeds from this to the act of sin, or to deliberate consent, this is not a sudden action. And deliberate reason can exclude, or, at least, impede, the passion. If it does not, the sin is mortal. So we see that many murders and many adulteries are committed through passion.

(1) But is not sin of infirmity venial? And are not sins of passion sins of infirmity? But observe that venial is used in three different senses: (a) When the sin has some cause of pardon which diminishes the sin; and so sin of infirmity or of ignorance is called venial in that sense. (b) Again, all sin becomes venial—i.e., obtains pardon—through repentance. (c) There are certain sins which are

venial in their nature, as an idle word ; and only in this sense is venial opposed to mortal. The objection is based on the first meaning of the word venial.

(2) Observe, again, that passion is the cause of the sin, on the side of the turning to transitory good ; but what makes it mortal, is the turning away from God. And so, though in the sensuous nature cannot be mortal sin, yet the sin proceeding from passion may become such.

§ 8. Sins of malice, i.e., of deliberate wickedness.

When does any one sin from malice, i.e., from deliberate wickedness ?

Man naturally desires the good. Hence, if his desire decline to evil, it is because of some corruption or some inordination in him. But the principles of human action are intellect and sensuous or rational desire, which latter is called Will. Some sin, therefore, results from defect in the intelligence, as when one sins through ignorance. Sin also results from defect in sensuous desire ; these are sins of passion. And, lastly, sin results from inordinate will. But the will is disordered when the less good is more loved than the greater good ; when, consequently, any one chooses to suffer loss respecting the good which is less loved, in order to obtain what is preferred. So a man may deliberately consent to have his leg cut off, in order to preserve his life, which he values more. In this way, when any one inordinately loves some temporal good, as riches or pleasure, more than the order of reason or of Divine law—i.e., more than the love of God—it follows that he may be willing to suffer the loss of some spiritual good in order to get the other, the temporal good. And since evil is nothing else than privation of some good, it follows that he is consciously willing some spiritual evil for the sake of earthly good. Such a one sins from fixed malice or deliberate purpose, since he consciously chooses the evil.

(1) Is there any ignorance in such sin? Sometimes one is ignorant that the thing which he is doing is wrong in general; his is a sin of ignorance. Sometimes the sinner does not know that the particular act which he is then doing is wrong; as when he sins from passion. But sometimes there is no thought that the evil is not to be chosen in order to gain the desired good; though he knows that it is simply evil. This is the ignorance of malicious wickedness.

(2) Evil cannot be, as such, aimed at by any one. But yet it may be aimed at in order to avoid some other evil, or to attain some good; and in such a case the sinner would choose to attain the good for which he seeks, even with loss of the other. So a lascivious person would prefer to enjoy his pleasure without offending God; but if the two alternatives are presented, he wills to incur the displeasure of God by sinning, rather than to be deprived of his pleasure.

Does every one who sins from habit sin from malicious wickedness?

Note that it is not the same thing to sin while possessing a habit, and to sin from the habit. For it is not necessary that the habit shall be constantly used. It is used when we will; and, therefore, as it can happen that one having a vicious habit does some virtuous act, because his reason is not totally corrupted by his habit, so it may happen also that instead of acting from his vicious habit, he sins from passion or even from ignorance. But whensoever he uses his vicious habit, he must sin from malice, because, when any one has a habit, that is chosen which is agreeable to it, the habit becomes a second nature, and certain things are now "connatural." But this thing which is agreeable to the vicious habit, excludes spiritual good; and so spiritual evil is chosen in order to get what habit makes to appear good. This is sinning from malicious wickedness.

There are habits of venial sins, indeed; but since these

do not exclude the love of God, say, the habit of using idle words, they are vicious habits *secundum quid*, but not simply such.

What shall we say of the remorse of habitual sinners? He who sins from habit always rejoices in his act while he is using his habit. But he is able also not to use it, and may be sorrowful when his reason, as yet not totally corrupted, is dictating some other thing. He grieves at what he has done through sinful habit, not in general, because the sin is in itself displeasing to him, but because of some unpleasant result.

But one may sin from malice who is not sinning from vicious habit,

some hindrance being removed which has prevented his inordinate soul from acting out its choice and forming a vicious habit.

Sins of malicious wickedness are graver than sins of passion.

There are three reasons why this is true : (1) Since sin is primarily in the will, the more the will is concerned in it, the greater, other things being equal, is the sin. In malice the motion to the sin is more purely from within, *i.e.*, from the will ; whereas in sins of passion there is an outward impulse. Hence the more vehement the malice, the greater the sin ; whereas, as we have seen, the more vehement passion diminishes the gravity of the sin.

(2) The passion which inclines to sin is transient, and so a man may quickly return to a good purpose, but the habit by which one sins from malice is a permanent quality. The one is more likely to be penitent after sin than the other.

(3) He who sins from malice is badly disposed with reference to the end itself. So his deficiency is more dangerous than that of him who sins from passion, whose

general purpose may tend to the good end, although his purpose has been temporarily interrupted by his passion.

This malicious wickedness is in one way based on ignorance, but it is self-chosen ignorance, which does not palliate the sin.

Both in sin of passion and of malice there is a choice of evil, but the first is not a sin from choice, because choice is not the primal principle of the sin. Something is chosen which would not have been chosen but for the passion. Whereas the sin of malice is a deliberate choice of evil, and this choice is the primal principle of the sin.

§ 9. External causes of sin.

Is God the cause of sin?

(I mean, not the positive and moral act, which, owing to defect in it, is sin, but of the sin as sin.) Man may be the cause of sin in another man, either directly, by temptation, by inclining the will of that other to sin; or indirectly, by not doing one's best to withdraw another from the act of sin. But God cannot be directly the cause of sin in any one, because all sin is departure from God, the ultimate end of His creatures. But God draws all beings to Himself, as to their ultimate end. Neither can He be indirectly the cause of sin. He may not afford that aid which would, if given, hinder men from sinning against Him; but this is done according to the order of His wisdom and justice. Hence the sin of any being is not to be imputed to Him as the cause of it; just as the pilot is not the cause of the shipwreck of the steamer which he does not steer, except when he is able, and when it is his duty, to take charge of the vessel.

(1) It is said (Rom. i. 28), "God gave them up unto a reprobate mind to do those things which are not fitting." But the very words show that those spoken of had that reprobate mind, and God did not prevent their following it.

(2) But it is, also, a familiar objection, that God is the author of freedom of the will, which is the cause of sin ; and, therefore, the author of the cause is the originator of the effect, which proceeds from that cause. And this is true when the mediate cause is subjected to the ordering of the primal cause ; but if that mediate cause violates the order in which it is made to act, the result is not imputable to the first cause. If an agent does anything contrary to the express command of his employer, that employer is not (morally, at least) answerable for the consequences. He is not the cause of them.

Is the act of sin from God ?

The sinful act, as act, is being and act. But every being whatsoever is derived from the primal Being. And every action is caused by some being which has active (not passive) existence. But all activity is reducible to the primal activity as its cause ; i.e., God, who is pure activity, is the cause of every action.

But sin is being and action containing some defect, which defect is from the created cause, viz., free-will departing from the order of God the primal agent. Hence that defect is not reducible to the causality of God, just as a halting gait is referable to defect in the bones of the leg, etc., not necessarily to the motive power of nerves and muscles.

The act of sin is a certain motion of free-will, but the will of God is the cause of all motions, therefore His will is the cause of the act of sin.

Is God the cause of blindness and hardness of heart ?

These may mean two different things ; first, a motion of the soul cleaving to evil and averse from Divine light. This is mortal sin of which God is not the cause.

But, again (as penalty), there may be a withdrawal of Divine grace, so that the mind is not Divinely illuminated

to see rightly, and the heart of man is not softened to live rightly. So far God is the cause of blindness and hardness of heart. God is the universal cause of the enlightening of souls (S. John i. 9: "That was the true light which enlighteneth every man that cometh into the world"). So the sun is the universal cause of the illumination of bodies. This is through necessity of nature, but God is the cause of spiritual light according to His will and wisdom. But the sun may find some impediment and leave a body dark, as when the window shutters are closed; and the sun is not the cause of that darkness, but its cause is the one who closes the shutters. The sun exercises no judgment in the matter, but God, according to His own judgment, withholds the light of His grace, where He finds some obstacle to it. Hence the cause of the absence of grace is not only he who puts the obstacle in its way, but also God according to His righteous judgment. So He is the cause of blindness of sight and dulness of hearing, in not perfecting the mind by the gift of wisdom, and of hardness of heart in not softening the soul through the fire of charity.

Is the devil directly the cause of sins committed by man?

The proper principle of the sinful act is the human will, since all sin is voluntary. But God is the only Being who can directly act upon our will. The will, indeed, is moved not only by this inward Divine influence, but also by its object. This in three ways: (1) by the object itself which is proposed, as we say that food excites the desire of eating; (2) by him who proposes or offers an object of this nature; (3) by him who persuades that the proposed object is good, because he thus proposes the specific object of the will, which is rational good, either real or apparent. In the first way, sensible things move the will to sin. But in the second and third ways, the devil or our neighbour may incite to sin, either by offering to sense or imagination what is desirable, or by persuading the reason. But none of these are the

direct cause of sin, because the will is not of necessity moved by any object except the ultimate end.

Can the devil offer inward temptations to sin?

The soul has three functions, viz., feeling, knowing, willing. The latter cannot be directly influenced by Satan and his angels. And the intellect, *per se*, is moved by what illuminates it to know the truth, which illumination is certainly not the aim of the devil, but rather a blinding of the reason through imagination and sense-appetite, in order that it may consent to sin. Hence the whole inward operation of Satan seems to be on the imagination and the sense-appetite. Images may be presented to the phantasy, appetite may be excited to some passion. For corporeal nature (as we see in our own physical constitution) naturally is subject (within certain limits) to spiritual forces. It is conceivable (to say the least) that the brain should be acted upon by demons, whether the man is waking or sleeping. In which case images will be the result. Passions also result from a certain condition of the brain and nervous system, and it is conceivable again that the devil may coöperate in these, at least through the brain, etc.

(1) Images, feelings, etc., are, indeed, the works of a living agent, and require an inward impulse; but environment also coöperates, and we are regarding outward temptation as the environment of the soul.

There is nothing in this which contradicts the known order of nature.

Can the devil produce a necessity of sinning?

S. James (iv. 7) says, "Resist the devil and he will flee from you." This would not be true if Satan had power to produce necessity of sin. For he has no direct power over the reason; and if it be free, there is no necessity of sinning. If there be a case where Satan takes entire posses-

sion of a man, so that his acts are no longer free, his acts are not sinful.

That which is apprehended by sense or imagination, whether presented by demons or in any other way, does not of necessity move the will if a man still has use of his reason.

§ 10. The effects of sin.

Does sin diminish the good of nature?

We may consider (1) the first principles of human nature which constitute that nature, and the properties resulting from them, such as are often called the faculties of man; (2) the very inclination to virtue, which is itself a good of nature; (3) the gift of original righteousness, which, in the first man, was conferred on the human race, and can be called a natural good. The first is neither taken away, nor diminished by sin; but the third was totally taken away through the sin of our first parents. But the second is diminished through sin. For through human acts comes a certain inclination to similar acts, and anything which is inclined to one of two contraries, has diminished inclination to the other. Hence, since sin is contrary to virtue, man's sin diminishes the natural good of an inclination to virtue.

Can the whole good of nature be taken away through sin?

We mean now the natural inclination to virtue which belongs to man as a rational being. Sin cannot take away man's rationality, for then he would be no more capable of sinning. This good of nature, then, cannot be totally taken away through sin. But it is diminished so far as hindrances are put in the way to prevent its reaching its end. So it can be diminished *ad infinitum*, because hindrances can be increased *ad infinitum*. But the root of such inclination to virtue still remains, since human nature remains with all its essential attributes.

There would be no remorse of conscience in the lost if

there were not remaining in them the natural inclination to virtue.

What are the four wounds of human nature?

Through the gift of original righteousness reason perfectly governed the lower powers of the soul, and reason itself was perfected by being subject to God. This original righteousness being taken away through the sin of our first parents, all the soul's powers remain deprived of their proper order. And this constitutes the four wounds. For there are, as we have seen (page 60, ff.), four powers which can be the subjects of virtue: *sc.*, the reason, which is the seat of (spiritual) prudence; the will, in which is justice; the irascible soul, the seat of courage; and the concupiscible, in which is temperance. Now the reason, destitute of its due relation to truth, is afflicted with the wound of ignorance; the will, destitute of its due order with reference to the good, is wounded with malice; the irascible nature is wounded with infirmity, and the concupiscible nature is wounded with the inordinate desire of pleasure. And since the inclination to virtue is diminished by actual transgression, those four wounds result, also, from other sins; the reason is dulled concerning what is to be done; the will hardened with respect to the good; the difficulty of acting rightly increases, and concupiscence burns more hotly.

What shall we say of death, and other corporeal defects?

Per accidens one thing is the cause of another if it remove hindrances in the way of that result. Thus he who pulls down a column is *per accidens* the cause of the fall of what rests upon that column. So the sin of our first parents is the cause of death and other like corporeal defects, by taking away that original righteousness by which not only the lower powers of the soul were subject in orderly way to

reason, but the body was the perfect servant of a perfect soul. The loss of this original righteousness renders human nature corruptible in all its parts, even to the disorganization of the body itself. This is the penalty of the first sin, not aimed at by the sinner, but ordained by the punitive justice of God.

Considered in itself, the animal body is corruptible, but God (by special gift) supplied the defect of nature, and made man's body to be incorruptible through the supernatural spiritual gift.

The penal guilt of sin (reatus).

It is a law of nature and of man, that whatever rises against another will be put down, if possible. But whatever things are contained under one order are, in a certain way, one in that order. Hence whatever rises against any order will be put down by that order and by its head. But since sin is any inordinate act, it is manifest that he who sins offends against some order which will seek to put him down. This is penalty. Now there are three orders against which man can sin, and with a three-fold penalty he can be punished: his human nature is subject first to his own proper reason; next, to outward government, spiritual or temporal; lastly, to the universal order of Divine rule. He who sins acts against reason, against human law, against Divine law. Therefore he incurs a three-fold penalty—*sc.*, from himself, remorse of conscience; from man, what law inflicts; and lastly, God's punishments.

The penalty indeed is just, whether from man or from God; and so it is good, and not directly the effect of sin, which can have no good effects. But sin makes man guilty, which is an evil. "To be punished is not an evil, but to become worthy of punishment is an evil."

Every disordered soul is its own punishment; but also it becomes liable to other punishment from perverting the order of Divine or human law.

Does any sin incur eternal penalty?

Sin incurs guilt, because it perverts some order. But while the cause remains, the effect remains. Hence, as long as this perversion of order continues, so long continues the penal guilt. But sometimes one perverts order irreparably, and sometimes not. For if defect destroy the foundation of anything, its first principle, such defect is irreparable. But otherwise, this first principle remaining, it may have power enough to repair the defect. But if by sin is corrupted the principle of order by which the human will is subject to God, this inordination is in itself irreparable; only Divine grace can repair it. But this principle is the ultimate end, to which man adheres by charity. Therefore whatever sins turn man away from God, in taking away charity, incur the guilt of eternal penalty.

(1) It is commonly objected that just penalty is adequate penalty; but sin is a transient thing, and therefore cannot incur eternal punishment (which would be out of all proportion to the offence).

But I answer that it is true that the *sharpness* of punishment is proportioned to the offence both in Divine and in human judgment. But this is not the question of duration. In no judgment is proportion sought for in that respect. A murder may be committed in a moment, yet the punishment may be imprisonment for life. The murderer is cut off forever from the society of the living, and so he represents, after his manner, the eternity of punishment Divinely inflicted. S. Gregory points out the justice of this, when he says (dial. iv. c. 44), "He who has sinned in his own eternity against God, is punished in the eternity of God." Man's "own eternity" does not mean simply the continuation of his act during this transient life, but that, having made sin his end, he has the will to sin forever. "The unjust would will to live forever, in order that they might forever continue in sin" (*Greg., Moral.*, iv.).

(2) But are not punishments medicinal? And no such

curing process can run on forever. I reply that not all human punishments are for the cure of him who has offended; the murderer is hung, that others may fear to offend. And the eternal punishment of the reprobate may be medicinal for others who (more earnestly) abstain from sin.

(3) Again it is said that no one forever does that in which he takes no pleasure. But God takes no pleasure in the perdition of men; therefore it will not go on forever. The reply is that God takes no pleasure in suffering on its own account, but He takes pleasure in the order of His own justice, which requires the penalty of sin.

Penalty is proportioned to sin.

But in sin are two elements; the one, aversion from the infinite incommutable good. On this side sin is infinite; its penalty, infinite loss (*pœna damni*), the loss of infinite good, *sc.*, of God. On the other side, sin is inordinate turning to mutable good. This is finite, like the good itself. For it is not the act of an infinite creature. To this corresponds a finite penalty of suffering (proportioned to the offence).

§ 11. **Venial and mortal sins.**

Sins are either venial or mortal.

This distinction follows from the diversity of the inordination which is involved in sin. For there is a two-fold inordination: one which casts off the very principle of order, another which still preserves it, although this inordination concerns things which are derived from that order. So in the body disorganization may attack the very life itself, and death is the result; or it may appear as sickness (which is not mortal disease).

But the first principle of all order in morals is the ultimate end. Hence, when the soul is disordered through sin even to aversion from the ultimate end, which is God, to

whom we are united through charity, the sin is mortal. But when the disorder does not proceed so far as that, the sin is venial. For as in the body mortal disorganization is naturally irreparable (while sickness which is not mortal may be cured by suitable means), so is it with the soul. He that sins by (wilfully) turning away from the ultimate end, so far as the nature of the sin is concerned, undergoes irreparable loss, and therefore his sin is mortal, its penalty eternal. But he who sins without wilful aversion from God, is disordered in a manner which, according to the nature of the sin, can be repaired, because the first principle of spiritual life is preserved; and therefore he is said to sin venially, because the result is not eternal death.

Mortal and venial sin differ infinitely as respects the aversion in the two sins. But it is not so as respects the turning to transitory good. Hence, in the same kind of sin may be found the one and the other, as the very first motion of the soul towards the sin of adultery may be venial, and an idle word, which is often venial, may become a mortal sin.

Venial sins contain inordination, not with respect to the end, for the life of charity remains in the soul, but with respect to the means for that end. Such sins are reparable.

(1) It might be said that all sin is mortal because it is against the law of God. But venial sin is imperfectly sin, for it is not a word, thought, or deed (intentionally done) against that law. He who sins venially does not do what the law prohibits, nor omit what the law commands; but he acts aside from law, in not observing those limits of reason which the law aims at.

(2) It is commanded, indeed, that we do all things to the glory of God; and he who sins venially does not at that time do so. But he may habitually refer himself and all his affairs to the glory of God, which is essentially obedience to such an affirmative precept.

Some sins are venial in their species, some are mortal.

Some sins may be venial from their cause, as infirmity or ignorance, which diminishes the gravity of the offence. Or, again, and this is what we are now considering, venial sins may be those which do not take away due relation to the ultimate end, nor merit everlasting punishment. In this sense, and as the object determines the specific character of the act, some sins are venial in their proper nature, and some are mortal. For when the will is directed to anything which in itself is opposed to charity, which orders man for his ultimate end, the sin is mortal in kind, whether it be against the love of God, as blasphemy, perjury, and the like, or against the love of our neighbour, as murder, adultery, and the like. But if the will is directed to that which contains some inordination, indeed, but is not directly contrary to the love of God and of our neighbour, as the idle word, etc., such sin is venial in its kind. But since moral acts take their character not only from their objects, but also from the disposition of the agent, what is in itself venial may become mortal on the part of that agent, either because he makes it his ultimate end, or because he uses it as means for some other and a mortal sin. So again, on the part of the agent, that which is in itself mortal may become venial, because the act is imperfect, *i.e.*, not proceeding from deliberate reason.*

* But inadvertence itself, which often seems to be a note of venial sin, may show an habitual affection for sin, even when the act is not perfectly voluntary; *i.e.*, a perfected sin.

A positive doubt respecting the deadly malice of the act may itself constitute full advertence, and make the sin a mortal one. Deadly, also, may be needless exposure to the danger of falling into mortal sin; it may be the sin of presumption.

It is grave sin to deliberate about consent to mortal sin.

The matter of venial acts may coalesce into mortal acts. Thus the apparently trifling act of giving light weight and short measure in retail trade accumulates its results, and it may enrich one, who may be thus guilty of serious theft.

Observe that in choosing what is opposed to Divine charity, a man prefers that thing to the love of God ; he loves himself more than God. This is mortal sin.

In two ways venial sin may dispose towards mortal sin.

(1) The habit being augmented by repeated acts, the lust of sinning can increase so far that he who sins makes the venial sin his end. And so by repeated acts of venial sin, the sinner is prepared for mortal sin. This on the part of the agent.

(2) Again, a human act may prepare the way for something by removing hindrances. Venial sin may thus prepare the way for mortal sin. For in accustoming the will in minor matters to neglect the due order of life, the way is prepared for casting off that order as respects the ultimate end, in choosing mortal sin.

Sin in itself venial may become mortal (a) through an erroneous conscience, which regards it as a more serious offence ; (b) through scandal given by it ; (c) through gravely evil intention, as contempt of the lawmaker (consider the "forbidden fruit" in Paradise); (d) through evil affection preferring the little sin to God ; (e) through directly leading to mortal sin.

(In doubt, especially in the case of sensitive souls, the confessor takes the milder view and leaves the rest to God.)

CHAPTER VII.

ON LAW.

§ 1. What is law ?

Law is grounded in reason,

For law is the rule and measure of acts, commanding or forbidding them. But reason is the rule and measure of human acts, for it is reason's office to ordain man with respect to his end. Mere will without reason would not make the law, but rather injustice.

Law is always ordained for the common good.

In practical reason, the first principle is the ultimate end and aim. Law, therefore, the rational rule and measure of conduct, must principally and especially aim at that. Now the ultimate end of human life is felicity or beatitude. This, therefore, is the special object of law.

And, again, since every part is ordained for the whole, and each man is a part of the community, law properly regards the common felicity. Properly speaking, then, no precept is law which has not relation to the common good. This, of course, does not exclude special aims and particular goods, but all must have the general good as the ultimate aim.

Who can make law ?

Since it primarily regards the order for the common good, and since to ordain anything for the common good belongs either to the whole community or to their vice-gerent, the power of making law belongs either to the whole community, or to him who has charge of that community.

For they to whom that end belongs have the right and duty of ordaining for the end.

In a certain way, you may say that each one is a law to himself, as participating in the rational law which regulates his life.

A private person can only admonish ; but his admonition has not that co-active force which is essential to law. But the community or its vice-gerent has such force to compel obedience, or to inflict penalties for violated law.

The head of a family can lay down precepts for his household, but they are not properly laws, because that family is ordained for the good of the complete community, the state of which it is a part.

Promulgation is essential in law.

For as rule and measure it must be applied to what is regulated and measured by it. Hence, in order that law may obtain obligatory force, which is essential to it, it must be applied to the men whom it is to regulate. But such application is bringing it to men's notice, *i.e.*, promulgation. This, therefore, is essential for the validity of law.

From these four principles we may collect a definition of law ; *sc.*, Law is an ordination of reason with reference to the common good, promulgated by him who has the care of the community.

§ 2. **Eternal law.**

If the whole universe is directed by Divine Providence, the whole community of the universe is governed by Divine reason.

That very government of all things, existing in God as the Lord of the universe, contains the idea of law, and because the Divine reason conceives an eternal thought, such law must be called eternal. Not that the things governed are eternal, but they are foreknown and foreordained in that eternal Reason.

As in every artificer preëxists the idea of those things which are to be produced by his art, so in every governor preëxists the idea of the order of those things which are to be done by those who are under his rule.

This is part of the idea of law. But God by His Wisdom is the founder of the universe, and the governor of all the acts and motions which are found in the individual beings of the universe. And as the thought of Divine Wisdom, by which all things were created, is the pattern or "idea" of all things that are, so the thought of Divine Wisdom, moving all things to their due end, is law. We define eternal law, therefore, as the thought of Divine Wisdom, directive of all actions and all motions. This one law directive of acts in order to the common good, gives unity to the multiplicity of species of things.

Do all know eternal law?

A thing may be known in two ways: in itself, or in its effects in which some similitude of it is found. One may not know the substance of the sun, but still may know its irradiation. So no one of men on earth can know eternal law, as it is in itself; but every rational creature knows it, more or less, according to some irradiation. For all knowledge of truth is a certain irradiation and participation of eternal law, which is incommutable verity. But all, in some way, know the truth, at least the general principles of the law of nature. But otherwise, some participate more, some less, in the knowledge of the truth, *i.e.*, of eternal law. (See Rom. i. 20.) Although every one according to his capacity may know something of eternal law in the manner indicated above, none can comprehend it, for it is not totally manifested in its effects. It is not requisite, therefore, for such knowledge that the whole order of things should be known.

All laws whatsoever are based on eternal law.

Wisdom says (Prov. viii. 15), "By me princes decree justice." Law, as we have seen, is grounded in reason directive of acts to their end. But as in all ordered motions the power proceeds from the first mover, so in the administration of government the governing reason of the superior is derived to the subordinates. Since, therefore, eternal law is the Reason of the supreme ruler applied in governing the universe, necessarily all lower reason in subordinates is subject to that, is derived from eternal law. Hence all laws, so far as they participate in right reason, are based on eternal law. And S. Augustine well says (Lib. Arb. i. 6), "In human law nothing is just and legitimate which men have not derived for themselves from law eternal."

(1) What, then, shall we say of unjust laws? Human law is so far truly law as it agrees with right reason. But so far as it recedes from that, it is unjust, and is to be called oppression rather than law. And yet even in such injustice is preserved a semblance of law, on account of the authority from which the law (so-called) proceeds. For "there is no power but of God" (Rom. xiii. 1).

(2) Again; how, then, can S. Augustine say (Lib. Arb. i. 5) that "human laws rightly permit many things which are avenged by Divine Providence"? Is not eternal law the thought of that Providence? I reply that human law may permit some things, not as approving of them, but because it is unable to direct them. Many things are directed by Divine law which cannot be touched by human law. Hence, this non-interference of the latter is itself part of the order of law eternal. It would be very different if human law should approve what the other condemns.

To this eternal law are subjected all created things, whether necessary or contingent.

Herein is a wide difference between human laws and the

law of God. For the former only extends to rational creatures, who can be subject to the community. For law directs the actions of those only who are subject to its government. Hence, no one, properly speaking, imposes a law on his own actions. But whatsoever things are done in using the irrational things which are subject to man, are done by the act of the man himself moving those things. Therefore man cannot impose a law on those irrational things, although they may be in his power. For they do not move themselves.

But as man may imprint on human minds his law with its precepts and warnings, so God imprints on all nature the principles of its proper acts. "He has given them a law which cannot be broken" (Ps. cxlviii. 6). Thus all motions and actions of all nature are under eternal law; irrational creatures being moved by Divine Providence, but rational creatures knowing the law which governs them.

Even defects in natural things are subject to the higher laws of Providence, though they seem to be outside of the regular laws of the creature concerned in them.

All human affairs are subject to eternal law, though differently in the case of the good and of the bad.

There are two modes in which anything is subject to eternal law: one, by participating in it through knowledge of it; another, by action and passion. In this latter mode irrational creatures are subject to it. But rational creatures are subject in both manners. For they have some (imperfect) notion of it, and there is in them a natural tendency towards what is in harmony with that eternal law; for man is made for virtue (Nic. Eth., lib. ii.). But both these are corrupted in the wicked, the natural inclination to virtue being depraved by vicious habit, and the natural knowledge of good being obscured by passions and evil habits.

But in the good each mode is found more perfectly, because to the natural knowledge of good is superadded the

knowledge of faith and wisdom ; and to the natural inclination for virtue is superadded the inward motives of grace.

The spiritual are not under the law (Gal. v. 18), as a burden on them, because, through that charity which the Holy Ghost pours into their hearts, they fulfil the law voluntarily, and not unwillingly and through fear of the punishments which the law denounces on those who break it.

§ 3. The law of nature.

The rational creature in a peculiar manner is subjected to Divine Providence, inasmuch as it is a participator of that Providence in providing for itself and for others.

In itself it participates in eternal reason, through which it has a natural inclination to its due act and end. Such a participation of eternal law in a rational creature is called the "law of nature."

What does the law of nature command ?

As being is what first falls under the notice of simple apprehension, so the good is what first comes to the notice of practical reason which is ordained for operation. Therefore the first principle of practical reason is, "The good is what all things seek." And the first precept of the law of nature is that "the good is to be done and sought for, and the evil is to be shunned." On this are founded all other precepts of the law of nature. The good has the idea of the end, and hence reason naturally apprehends as good all those things to which man has a natural inclination ; and, consequently, they are to be actively sought for, while their contraries are evil and to be shunned. According, therefore, to the order of natural inclinations is the order of the precepts of natural law. And there is in man, first, the inclination to his own good according to his nature, in which he communicates with all beings, since each one after its manner seeks its own conservation. According to this inclination those things pertain to the law of nature by

which the life of man is preserved and the opposites are hindered. ("Self-preservation is nature's first law.")

Secondly, there is in man a natural inclination to some more special things in which he communicates with other animals. In this way those things are of the law of nature which nature teaches all animals, as the propagation of the species, the bringing up of children, and the like.

Thirdly, there is in man a natural inclination to rational good, which is peculiar to him. And thus man has a natural desire to know the truth concerning God, and to live in society with his fellows. And so to natural law pertains that man avoid ignorance, that he do no harm to those with whom he is to associate, etc.

Are all virtuous acts part of the law of nature?

Certainly everything to which man by nature is inclined pertains to the law of nature. But that natural inclination is to act according to reason, which is all one with acting according to virtue. In this way all virtuous acts are according to the law of nature. But if we consider the separate acts of virtue, we perceive that many things are virtuously done to which nature does not at first incline, but by rational search they are found useful for a virtuous life. Some acts are virtuous in certain persons, according to their condition and state of life, which would not be so in others.

Is the law of nature one law among all men?

To the law of nature, as we have seen above, pertain all those things to which man is naturally inclined, among which, peculiar to man, is the acting according to reason. But reason proceeds from general principles to special deductions from them, while practical reason is concerned with contingent things, among which are human operations. And, therefore, while those universal principles may be necessary ones, as we descend to particular inferences we are liable to find deficiency. In speculative prin-

ciples which deal with necessary truths, the truth is the same among all men, both in its first principles and in the deductions from them, though the conclusions are not equally known among all. But, in practical matters, there is not among all the same truth or practical rectitude in special inferences, but only in the general principles. And where there is the same rectitude in special applications of first principles, it is not equally known by all. So, then, as respects the general principles of reason, whether speculative or practical, our answer to the question is, that there is one verity or rectitude among all and equally known by all. But as regards the special conclusions of speculative reason, there is the same verity among all, though not equally known by all. Thus, among all it is true that the sum of the three angles of a plane triangle is equal to two right angles, though this is not known by all. But as respects the special conclusions of practical reason, there is not the same verity or rectitude among all, nor, even where it is the same, is it equally known by all. For among all it is right and true that they should live according to reason. But from this principle it is plain deduction that a loan should be repaid. And this is true in most cases. But it might happen that doing so would be doing harm, and consequently irrational (*e.g.*, a drunken man's revolver; or if the loan were going to be used against the country of the parties concerned). And the more we descend to particulars, the greater the contingency in the conclusions, as if, say, that the loan be returned in such a manner or on such a day. The more particulars are specified, the more multiplied are the possibilities of defect making it not right to return the loan under those conditions. So, then, we assert that the law of nature is the same among all in its primal general principles, both for rectitude and for knowledge of it. But for inferences from those principles, it is generally the same, though in some cases there may be deficiency both in rectitude and in knowledge. And this because some have reason

depraved by passion, or bad customs, or evil constitution of nature.

Can the law of nature be changed?

Something may be added to it; nothing hinders its being changed in that way. And many things beneficial to human life have been superadded both by Divine law and by human laws. But if we speak of subtracting anything from the primal principles of the law of nature, and so changing it, it is altogether immutable. But if we speak of secondary deductions from it, special impeding causes may rarely occur which release from the obligation of such precepts.

Can the law of nature be expelled from the hearts of men?

If we mean those general principles of living which are known by all, those cannot be expelled from the mind. But if we have in view practical applications of them, reason may be hindered in making them by concupiscence or other passion. And, again, if we refer to remoter deductions from those first principles, the law of nature can be expelled through evil persuasions, or depraved customs, and corrupt habits.

§ 4. Human law.

What is human law?

As in the case of speculative reason, from indemonstrable principles intuitively known are produced the conclusions of various sciences which are not innate but discovered by processes of reasoning, so also from the precepts of natural law, as from general and indemonstrable principles, reason proceeds to order the special details of human life. These special orderings so derived are human laws, under the conditions specified for law in general.

This practical reason being directed to individual and contingent things (viz., actions), cannot give to laws that

infallibility which belongs to the conclusions of demonstrative sciences. The measure, therefore, of human acts provided by human laws is not altogether fixed and infallible, and the approach to this is to be sought for only under the necessary limitations.

The utility of human laws.

Though there is in man by nature a certain aptitude for virtue, yet man must reach the perfection of virtue by some discipline. So we see that in natural needs, as food and clothing, man has the natural provision of reason and hands, but must aid himself by his own art and industry, while other animals are better provided by nature.

But for this discipline in right living, man is scarcely sufficient for himself, because the perfection of virtue consists in withdrawing him from undue gratifications of his passions, to which he is very prone. Youth especially needs this efficacious discipline. This discipline, therefore, must come from without. And paternal discipline may suffice in youth where there is disposition for the acts of virtue either from natural character, or from habit, or, rather, from Divine bounty. But because some are found who are "headstrong" and prone to vice, and not easily moved by admonition, it is necessary that they be restrained by force or fear, that they may both leave others to pass a quiet life, and by force of habit may themselves be led to do voluntarily what they began to do through fear, and so may become virtuous. But this discipline, compelling the vicious through fear of punishment, is the discipline of laws. Hence human laws are necessary for the peace and virtue of men. "Man when perfected is the best of animals; but when separated from law and justice, he is the worst of all" (Arist., Pol. i. 2.); because he has the arms of reason to expel concupiscences and ferocities, which other animals have not.

(1) It is true that well-disposed men are better led vol-

untarily by admonition than driven by force ; but there are also those who cannot be so led and must be compelled.

(2) But why not leave all such matters to the arbitrament of upright judges ? Is not living justice in that form better than inanimate justice under the name of laws ? There are three reasons why law is preferable : (a) It is easier to find the few skilful legislators than the many upright judges who would be needed for all the separate cases of judgment ; (b) the law-makers have abundant time for reflection on all the various cases which may come under the scope of the law, while judgments in individual cases must be given more or less " off-hand ; " * (c) legislators judge in the general and of the future ; in the other case, men judging of the present are liable to be affected by love or hate or some cupidity and so their judgment may be depraved. Because, therefore, the animated justice of the judge is not found in many, and because it is liable to swerve from the right, it is necessary that in as many cases as possible law determine what is to be judged, and that the fewest possible things be left to the discretion of the judge.

(3) Human acts are countless in detail, and we admit that there are endless details which law cannot reach, say, whether the act charged has been committed or not. Many things, therefore, must be left to judge (and jury).

Is human positive law derived from the law of nature ?

That is not truly law which is not just. So far as a statute has justice, so far it has the force of law. But in human affairs that is just which is right according to the rule of reason, and reason's first rule is the law of nature. Therefore, every law made by man has so far the nature of law as it is derived from the *lex naturæ*. But if in any

* I should add here that the decisions of such judges create a precedent and custom which soon obtains the force of unwritten law, as in the common law of England and the United States, which did not come within the purview of our author.

respect it is discordant from that, it will not be truly law, but a corruption of law.

But this derivation may be in two ways: (1) from the general principles of the law of nature conclusions may be drawn. "Thou shalt do no murder," is a conclusion drawn from the *lex naturæ*, "thou shalt do no harm to any one." (2) Determinations may be made of the same law of nature; *e.g.*, since it requires that he who does the wrong shall be punished, the law of nature may be determined by human positive law in fixing the punishment as this or that. The former are not merely positive laws, but derive some force from the *lex naturæ*. The latter are purely positive laws, and rest on human enactment only. (They may order or prohibit what is in itself indifferent.)*

The first give us "*jus gentium*," laws which are requisite in every organized community; the second, "*jus civile*," laws which vary according to the different conditions of human society.

Human laws should be general, not individual "privilegia."

The end of the law is the common good, and must be proportioned thereto. But the common good consists of many things, and the law, therefore, must regard that many, both as respects persons, and actions and time. For the community is composed of many persons, and its good is derived from manifold actions, and it is established for a permanent duration.

It does not pertain to human law that it prohibit all vices.

The measure should be homogeneous with what it measures. Now, law is the rule or measure of human acts. Therefore it should be imposed upon men according to their condition. It should be possible, and according to nature and the custom of the land. Now, the power of

* For conditions of positive law, see Supplement, p. 5.

action proceeds from interior habit or disposition ; for the same things are not possible to him who has not a habit of virtue and to the virtuous, nor to the boy and to the grown man. Many things are permitted to boys which are denounced in adults and punished by law. And, similarly, many things are permitted to men of imperfect virtue which would not be tolerated in virtuous men. But human law is made for the multitude, the majority of whom fall far short of the standard of perfection. Therefore all vices from which the virtuous abstain are not prohibited by human law, but only those graver vices from which it is possible for the greater part of the multitude to abstain, and especially those vices which injure others, and without the prohibition of which human society could not subsist ; as homicide, theft, and the like.

Human law must aim to make men virtuous, not by a sudden leap, but gradually. On the imperfect multitude it would be useless and worse to impose a burden which they could not bear, but, casting it off, would fall into greater evils (of license and lawlessness). The new wine of the precepts of a perfect life must not be put into the old wine-skins of imperfect men, else the skins burst, and the wine is spilled ; *i.e.*, the precepts are contemned, and through contempt men rush headlong into greater evils.

Neither does human law enjoin the acts of all virtues.

All the objects of virtues can be referred either to the private good of some person, or to the common good of society. Thus the acts of courage can be directed either to the preservation of the state, or of the rights of a friend. But law is ordained for the common good, and therefore there is no virtue whose acts the law might not enjoin. But yet human law does not give order concerning all acts of all virtues, but only concerning those which can be ordered for the common good, either directly or mediately, as having reference to that good discipline by which the

common good of justice and peace is preserved. (Qu. : The closing of liquor "saloons" on Sunday ?)

Note that an act may be called virtuous in two ways: (1) it is viewed simply as an act external to the will; thus it is an act of justice to do right things, and an act of courage to do courageous things; and so the law enjoins some acts of virtue; (2) an act is called virtuous because it is done as a virtuous man does it (out of a good heart); such acts proceed from virtue, and do not fall under the prescription of law. But they should be the law-giver's aim.

Does human law impose obligation on conscience ?

Laws enacted by man are just or unjust. If they are just, they oblige *in foro conscientiæ*, by reason of the eternal law from which they are derived. (Prov. viii. 15.) But laws are called just both from the end, *sc.*, when they are ordained for the common good, and from their author, when the law enacted does not exceed the legislator's authority; and from their form, when burdens are laid upon those subject to the law in due equality of proportion in order to the common good. Each man is part of society, and is what he is, and has what he has, as such a part. Laws, therefore, which impose burdens in due proportion are just, and oblige *in foro conscientiæ*; they have the true idea and form of law.

But laws may be unjust in two ways: (1) they may be opposed to the common good in either of the three points just named—either (*a*) in their end, when the law-maker imposes onerous laws, not pertaining to the common good, but rather for his own interest or ambition; (*b*) when he issues a law beyond his authority to enact; (*c*) when unequal burdens are laid upon the members of the community, even though they be ordained for the common good. These are rather acts of oppression than laws. "That does not appear to be law which is not just" (S. Aug., Lib. Arb. i. 5). Hence such laws do not oblige *in foro conscientiæ*, except,

perhaps, for avoiding scandal and disturbance (the *lex naturæ* comes in prohibiting such scandal or riot); on account of which a man ought to yield his right, according to the Gospel law (S. Matt. v. 41), "If any man would go to law with thee, and take away thy coat, let him have thy cloak also."

(2) In another way laws may be unjust through opposition to Divine good, as laws of tyrants in former ages compelling idolatry, and, in our age, whatever is against Divine law. Such laws it is not lawful in any manner to observe: "We ought to obey God rather than man" (Acts iv. 19; v. 29).

But how can the lower power which enacts human law impose obligation before that Divine tribunal which we call our conscience? The Apostle replies (Rom. xiii. 1), "There is no power but of God, and the powers that be are ordained of God; therefore he that resisteth the power" (in those things which pertain to it) "withstandeth the ordinance of God." And this makes him guilty before the bar of conscience.

How are all under law?

Law is not merely the rule of human acts; it has (as such) co-active force. As regulated in action by law, all are under it who are under the authority which enacts it, though higher authority by its dispensation may release from the laws of lower authority (*e g.*, State law and national law). But, in another way, some are under law as constrained by it; and in this way virtuous and just men are not subjected to law, but only evil-doers. For that which is constrained and violent is contrary to the will; but the will of the good is in harmony with the law from which the will of the evil is discordant. In this sense the Apostle says (1 Tim. i. 9), "Law is not made for a righteous man," because such "are a law to themselves, in that they show the work of the law written in their hearts" (Rom. ii. 15). Spiritual men are led by the law of the Spirit, which is

higher than any human law, and they are not under such law as opposes that guidance ; but still it is part of that guidance that those who are led by the Spirit be subjected to human laws. So S. Peter says (1 Ep. ii. 13), " Be subject to every ordinance of man for the Lord's sake."

Is it ever admissible to act contrary to the letter of the law?

Every law is ordained for the common good, and thus gets its force and meaning. As it departs from this it loses its obligatory power. " No law or equity allows that the things which are introduced for the benefit of men, should by us be turned, through too rigid interpretation of them, to a severity which is against the common good." But it oftentimes happens that something is generally useful to be observed for the common benefit, which in some cases is highly injurious. Therefore, because the legislator cannot consider every individual case, he enacts a law which fits the great majority of cases, directing his intention to the common utility. Hence, if cases emerge in which the observance of such a law is injurious to the community, it is not to be observed (natural equity and common sense are higher law).

But if there be no sudden emergency which must be met at once, it does not pertain to each one to judge what is useful or injurious to the commonwealth, but the question must be submitted to the proper courts. But in case of sudden emergency necessity itself dispenses from the law ; it " knows no law."

This is not to judge the law, but the individual case where the law does not bind.

Evident injury may show that the legislator did not have such case in his intention. In doubt, the letter of the law must stand or authority be consulted.

No doubt wise legislators knew how to express their meaning in their words, but there are limits to the possi-

bilities of such expression ; and, even if it were possible to consider every case, still it would lead to hopeless confusion to attempt it. Laws must be made for what ordinarily occurs.

The mutability of human laws.

Law is the dictate of human reason whose natural progress is from the imperfect towards the perfect. The first attempts at legislation proving to be deficient in many cases, subsequent legislation corrects more or less of those deficiencies. Also, since laws regulate human conduct, they are rightly changed with the changed condition of men, for which different things become expedient. "If a people be self-controlled and serious, it is a right law that such a people select the magistrates by whom the commonwealth may be directed. But if, little by little, the same people become venal in the exercise of suffrage, and entrust the government to the most corrupt among them, it will be right that they lose the power which they have so abused" (S. Aug., Lib. Arb. i. 6). The law of nature, being a participant of eternal law, is, like it, immutable. But human reason is imperfect and mutable ; therefore so is its law. Natural law contains universal precepts (fitted to all circumstances), but human law contains special precepts for certain variable conditions.

A measure ought to be as permanent as the nature of things admits ; but in mutable things, no such measure may be possible.

It is true, also, that what is once right is always right ; but it does not follow that what is once law should always be law, for the rectitude of law is relative to the common utility, which is a variable thing.

Should human law always be changed whenever something better presents itself?

It is rightfully changed if the common utility calls for

such change. But the very change in itself, as change, is detrimental to the common good, because custom is a weighty element in law. What is done contrary to usage, even if it be easier in itself, seems harder to do. When law is changed, the sense of obligation towards it is diminished, inasmuch as custom is violated. Change therefore demands an equivalent compensation for this loss. That is, either there must be the greatest and most evident utility in the change, or the gravest necessity for it, or some manifest wrong in the established law, or some great injury done by it.

Laws may be based on reason, but much of their force is due to usage.

Can custom obtain the force of law?

The reason and will from which law proceeds are manifested not only by words respecting what is to be done, but by deeds. Each one seems to choose that as good which he actually does. Now, as human words, manifesting reason's thought, can enact and change laws, so, through manifold acts which create custom, can law be enacted or changed. For when a thing is oftentimes done, it seems to proceed from the deliberate judgment of reason. In this way custom gets the force of law, abolishes law, and interprets laws.

(1) But no custom proceeding from human will can change the Divine and the natural law or have any force against them. "Custom must give way to authority; law and reason must overcome evil usage" (Isidore).

(2) Some one objects, again, that many wrongs cannot make a right. He who first begins to act against the law does wrong; multiplied acts of the same kind can never make the action right. But I reply, also, that human law is necessarily deficient in some cases; and hence it is possible in such a case that the act which is contrary to the law is not evil. And when such cases are multiplied

through the changed condition of society, then custom shows that the law is no longer useful as distinctly as if a contrary law were promulged. But if, on the other hand, the grounds of the law still remain unchanged, then law has the supremacy over custom, not custom over law, unless perhaps when the law seems useless, being not possible according to the custom of the country, which custom was one of the conditions of the very law in question.

(3) It may be argued that custom grows strong from the acts of private individuals as such ; but that they cannot make a law. But, I reply, where there is a free people which can pass a law for itself, the assent of that people to the observing of any regulation is of the essence of law, and this assent is manifested by custom. Individuals as such cannot make a law, but the whole people can. And even if the people are not free to make and to abolish laws, yet prevalent custom among them gets the force of law, because it is tolerated by the law-makers ; and so they seem to approve what custom has introduced. (" Silence gives consent.")

A power of dispensation

from purely human law, not from the law of nature, may fitly be entrusted to the rulers of the people. For a precept which is generally advantageous for the common good may not fit this particular person or this special case, because some better thing may be prevented or some serious evil be brought about ; and, except in evident and sudden danger, there is great risk in leaving this power of dispensing with law for one's self in each individual's hands. It is safer and better, within the sphere of human authority, to entrust that power of dispensation to the executive. (Pardoning power.)

§ 5. Divine law.

Besides the lex naturæ and human law, a Divine law is necessary for the direction of human life.

This for four reasons: (1) Because by law man is directed towards acts which are related to his ultimate end. And if, indeed, man were only ordained to an end which did not exceed the proportion of his natural faculties, he might need no other direction on the part of reason than the law of nature and human law derived from that. But because he is ordained to an eternal beatitude which exceeds the proportion of his natural faculties, he needs to be directed towards this end by a law Divinely given for this purpose.

(2) On account of the uncertainty of human judgment, especially in contingent and particular cases, judgments about human acts are diverse, from which also proceed diverse and contrary laws. Therefore, in order that man without any doubt may know what he is to do and what he is to avoid, he needs to be directed in his proper acts by law Divinely given, in which there can be no error.

(3) Man can make law only concerning those things in which he is able to judge. But his judgment cannot be respecting the hidden inward acts, but only respecting the outward apparent motions. And yet the perfection of virtue requires that man be right both outwardly and inwardly. Therefore, human law cannot restrain and ordain sufficiently inward acts, but a supervening and Divine law is needed.

(4) Human law cannot punish or prohibit all things which are ill done, because in aiming to take away all evils, many good things would be taken away also, and the utility of the commonwealth, which is necessary for human conservation, would be impeded. In order, therefore, that no evil remain unprohibited and unpunished, a Divine law is needed which prohibits all sins. We may find all four reasons for Divine law in Ps. xix. 7: "The law of the Lord

is an undefiled law," permitting no turpitude of sin; "converting the soul," because it directs not only outward acts but the inward also; "the testimony of the Lord is sure," on account of its certitude of truth and righteousness; "giving wisdom unto the simple," by ordaining man to his supernatural and Divine end.

Divine law is either the old and imperfect, or the new and perfect.

The one was for children, the other for grown men (Gal. iii. 23). Note the difference between the perfect and the imperfect in three respects: (1) It pertains to law that it order for the common good as the end; the Old Law ordered directly for a sensible and earthly good, the New for a spiritual and heavenly good. (2) Law directs human conduct according to the order of righteousness; the New Law is above the Old in ordering the inward acts of the heart. (S. Matt. v. 20: "Except your righteousness shall exceed that of the Scribes and Pharisees, ye shall in no wise enter into the kingdom of heaven.") Therefore it is said that "the Old Law restrains the hand, the New Law restrains the soul." (3) It pertains to law that it lead men to observe its mandates. This the Old Law did by threats, but the New Law by love which is shed abroad in our hearts through the grace of Christ, figured in the Old Law, conferred in the New.

How was the Old Law imperfectly good?

It was good, for it harmonized with created reason in repressing concupiscence which is opposed to reason; e.g., saying, "Thou shalt not covet." Thus it prohibited very many sins which are contrary to reason. But that may be good which is, nevertheless, imperfect in its kind. In the means to an end, that is perfectly good which is *per se* sufficient for that purpose. But the imperfectly good contributes to that end without being sufficient, as medicine

may benefit a man without curing his disease. But the end of Divine law is different from that of human law. The latter aims at the tranquillity of an earthly society, at which it arrives by restraining outward acts, in those evils which can disturb the peaceful state of society. But the end of the Divine law is to lead man to eternal felicity, which end is hindered by every sin, inward as well as outward. Therefore what suffices for the perfection of human law—*sc.*, that it prohibit sins and affix their penalties—does not suffice for the perfection of Divine law; but it must make man fit for the participation of everlasting felicity, which can only be done through the grace of the Holy Ghost, through which love is poured into our hearts and fulfils the law. For “the gift of God is eternal life” (Rom. vi. 23). The Old Law could not confer this grace; it was reserved for Christ. “The law was given by Moses; grace and truth came by Jesus Christ” (S. John i. 17).

All the precepts of the Old Law were one in the end sought for—sc., the love of God and our neighbour (S. Matt. xxii. 40)—but their multiplicity includes three classes of precepts, viz., moral, ceremonial, and judicial.

It had moral precepts, because the chief aim of Divine law is to establish friendly communion between man and God, which can only be through virtue. It had ceremonial precepts, because it ordained man with reference to God, which is done not only by inward acts of the mind, as believing, hoping, loving, but also by those outward actions in which man offers homage to God. The worship of God as an act of virtue pertains to the moral law; it is part of the law of nature; but the determination of this precept to such and such gifts and sacrifices belongs to Divine positive law—*i.e.*, to the ceremonial law.

The Old Law had judicial precepts, for it determined the law of nature respecting justice between man and man by positive laws which we name judicial.

All precepts of the Old Law are reducible to these three, or to directions respecting the manner of observance.

The moral precepts of the Old Law.

Moral precepts regard those acts which pertain to a good life; such harmonize with reason, the proper principle of human conduct; and every judgment of human reason is in some way derived from natural reason, either by direct, immediate, simple deduction from principles naturally known, or after more careful consideration of special circumstances has been required, or where special Divine instruction has been necessary. In one way or other all moral precepts pertain to the law of nature. "Honour thy father and thy mother; thou shalt do no murder; thou shalt not steal"—reason instantly judges that these are right. But the command to rise up before the gray head, and to honour the person of the aged, is deduction from first principles. For the Second Commandment Divine instruction was necessary, although it is part of the *lex naturæ*.

Are all acts of virtue embraced in the moral precepts of Divine law?

It is a different community for which Divine law is ordained from that for which human law is ordained. For the latter regards the civil community of men in their several relations to one another. But men are so ordered by outward acts, through which they communicate with one another. And communication of this kind pertains to the idea of justice, the virtue of civil society. If other virtues are ever enjoined in civil law, it is still under the same idea (Nic. Eth. v. 1). But the community for which Divine law ordains is that of men with God. Its precepts, therefore, order all those things by which man is put into his due relations with God. But man is joined with God by his reason, which is the image of God; and, therefore, Divine law gives precepts concerning all those things by which reason

is well ordered—i.e., the acts of all virtues—some as commands which are essential to the order of virtue, some as counsels which are advantageous for the well-being of perfect virtue.

All the moral precepts of the Old Law are reducible to the Decalogue.

The Ten Commandments are said to have come directly from God, and man by himself has knowledge of them as Divine. Either they can be known at once by simple deduction from the primary universal principles, or they are immediately evident to faith divinely infused. Two classes of precepts, therefore, do not appear in the Decalogue; *sc.*, first, those which are primary and universal, which need no promulgation, are written in natural reason, being self-evident, as that man shall harm no one, etc.; and, secondly, those which require the diligent reflection of the wise to discover their harmony with right reason, for these were given to the people through Moses and the prophets. Yet each of these kinds of laws is contained in the Decalogue; the first, as the principles from which their proximate conclusions are derived; the second, as deductions which the wise can make from the Ten Commandments.

Note, of course, that the Fourth Commandment is at once ceremonial and moral.

Why does the Decalogue contain nothing of a man's duty to himself?

First, those Ten Commandments are based on love of God and our neighbour, and natural law respecting this has been obscured by sin; but not so with self-love; the law of nature is quite enough. Secondly, the Decalogue, coming immediately from God, contains, as we have seen above, those things which the minds of the people can receive as soon as they are heard. But every true man sees at once that he owes something to God and to his neighbour. But

that something is due in what belongs to himself, and in which at first sight he appears to be absolutely free, this is not so immediately apparent. Therefore precepts prohibiting acts of disorder with respect to one's self came to the people through their wise legislators. The same remarks may be applied to the Fifth Commandment.

The power of dispensation can in no way reach to the Decalogue.

Dispensation, as we have found, (p. 136), applies to cases in which, if the letter of the law were observed, the intention of the law-maker would be contradicted. But that intention is, primarily, the common good, and, secondly, the order of justice and virtue by which that good is attained and preserved. Therefore the precepts which explicitly contain these, contain the intention of the law-maker, and are indispensable. Dispensation is admissible only in precepts which are ordained for those higher precepts, determining them in special modes. Thus the law of treason is indispensable; but certain acts which have been legally treasonable may in special cases be allowed, without prejudicing the law of treason or the intention of the law-maker, on account of some great utility.

But the Ten Commandments contain the very intention of God, the sovereign Legislator; the first table contains the order for the general and final good, which is God; the second, the order to be observed among men; viz., to give each his due, and to wrong no one. Such order is indispensable and immutable. But as respects their determination and application to special acts (determining what is theft, murder, etc.), there may be change by Divine authority in that which is instituted by Divine authority alone (Divine positive law), or even by human authority, in that which belongs to men's jurisdiction.

Does the mode of virtuous action fall under the precept of law?

Law has coactive force; that, therefore, directly falls under the precept of law to which the law compels. But the coercion of law is through fear of its penalty. That is commanded for which the penalty of law is inflicted. But herein Divine law differs from human law. For the penalties of violated law are only inflicted on those concerning whom there can be judgment, because the law punishes after judgment. But man, the maker of human law, can only judge of outward acts; God alone, the author of Divine law, judges the hidden motions of the will. So, then, in one respect, both human and Divine law consider the mode of virtuous action; in another, only Divine law; in another, neither human nor Divine. But the mode of virtuous action consists in three particulars (Nic. Eth. ii. 4): (1) The knowledge possessed by the agent. Both human and Divine law take this into consideration, for what one ignorantly does is accidental. Both human and Divine law judge whether there was ignorance of the fact on the part of the agent, and acquit or condemn accordingly.

(2) The mode involves the willing or choosing the action and the purpose in choosing, the two-fold inward motion of will and intention. Human law does not judge of these, but the Divine law does; for human law does not condemn of murder one who wishes to kill and does not, but Divine law condemns him. "He that is angry with his brother shall be liable to the judgment" (S. Matt. v. 22).

(3) The third particular is the acting firmly and immovably; and this fixity of virtuous action belongs to rooted habit. This is not contained in either human or Divine command, for neither by man nor by God is one punished as a transgressor who pays due honour to his parents, although he may not yet have formed the fixed habit of filial piety. (This habit is the end of the law, and actions are

commanded which may create the habit, and make men truly virtuous.)

The end of the precept is not the same with the matter of the precept, the latter being means to the former.

But, you may say, we are commanded to "serve the Lord with gladness" (Ps. c. 1), and "The Lord loveth a cheerful giver" (2 Cor. ix. 7). I answer that if one obey sorrowfully, he is acting unwillingly, and good will is part of the Divine command. But there are two kinds of pleasure in virtuous action, one which is derived from love of God and of our neighbour, which love, and, therefore, the consequent pleasure, fall within the scope of the command; another, which comes from habit already formed, which is not commanded. For an action may be pleasant either on account of the end sought for, or on account of its agreeing with one's habits.

Is every outwardly virtuous act truly sin, if it does not proceed from charity?

In other words, "Does the mode of charity fall under the precept of the law?" The act of charity may be considered *per se*. And this is the "first and great commandment," viz., "Thou shalt love the Lord thy God;" and the second is, "Thou shalt love thy neighbour as thyself." Man can fit himself to receive this gift, and having it, he can use it. But whensoever one who has not charity does an outwardly virtuous act, he does not sin mortally in that, because the command that we do all good acts with charity ("the end of the commandment is charity," 1 Tim. i. 5) is an affirmative precept, and (like affirmative precepts generally) does not always bind, but only for that time in which charity exists within the soul.

Secondly, then, charity may be considered as the mode of action in obeying other commands. So viewed, it is not included in those commands. "Honour thy father," does not say, "honour him out of charity," neither does he transgress

that command who lacks the charity, though he may be a transgressor of the commandment of charity, and for that reason may merit punishment.

The obligation to filial honour out of charity arises from the duty of referring all things to God ; *sc.*, from the law, "Thou shalt love the Lord thy God with all thy heart."

The moral precepts of the Old Law are not confined to the Decalogue. All of them are based on the dictates of natural reason, and would have efficacy even if they had not been laid down in law. In this they differ from ceremonial and judicial precepts, which derive all their force from the fact of institution.

But there are three grades of moral precepts ; some are so manifest and universal that they do not need promulgation—*e.g.*, the love of God and our neighbour, which is the end of the commandments—in which no sound reason can err. But some precepts are more determinate, whose obligation any one can see at once, and yet human judgment is liable sometimes to be perverted concerning them. These need special promulgation ; and these are the precepts of the Decalogue. Others, again, are not so manifest to every one, though thoughtful persons readily see their force ; and these were given to the people from God through Moses and Aaron. But these superadded moral precepts are reducible to those of the Decalogue. Thus blasphemy and false doctrine were superadded to the prohibition of the third commandment ; reverence for the aged to the fifth ; prohibition of hatred to the sixth ; fraud in weights and measures to the eighth, etc.

§ 6. The Evangelical law.

Is it a written law ?

That which is most powerful in it, and in which its whole virtue consists, is the grace of the Holy Spirit, which is given through faith in Christ. Thus S. Paul says (Rom. viii. 2), "The law of the Spirit of life in Christ Jesus

made me free from the law of sin and of death ;" as Augustine (De Spiritu et Litt., c. 17 and 26), "The law of works was written on stone tablets, but the law of love was written on the hearts of the faithful ;" and (c. 21), "What are the laws of God written by God Himself in the heart, and the presence of the Holy Ghost ?" (Jer. xxxi. 33).

But, besides, the New Law contains the things which prepare and fit for this grace, and also what pertains to its use. In these the faithful must be instructed by what is spoken and written concerning what they are to believe and what they are to do. And so, principally, the New Law is a law implanted in the soul, *lex non scripta*; but, secondarily, it is a written law. Thus the Gospel prepares the intellect through faith for the reception of the grace of the Holy Ghost, by manifesting the Divinity and the humanity of Christ. The Gospel disciplines the affections to the renunciation of the evil world, whereby man is made capable of the gift. And the use of spiritual grace in the works of Christian virtue is the subject of manifold exhortations in the New Testament.

The law of nature is written on the hearts of all men, but here is something superadded to nature, not only commanding what is to be done but aiding in its fulfilment.

This faith may have been implicit in those who have had the New Testament, and through the faith of Christ man attains to the New Testament (whether or not he has a written Gospel).

Justification.

It is the law written in the soul—*sc.*, the grace of the Holy Spirit—which makes the New Law a law of justification. It is not the written Evangelical law. For "the letter killeth, but the spirit giveth life" (2 Cor. iii. 6).

Three reasons may be assigned why the new law was given from the beginning.

(1) The impediment of sin must be first removed.

the redemption through Christ (S. John vii. 39 ; Rom. viii. 3).

(2) The perfection of the New Law implies a preceding time of preparation for it. "The (Old) Law hath been our pædagogus to bring us unto Christ, that we might be justified by faith. But now that faith is come, we are no longer under a pædagogus" (Gal. iii. 24).

(3) Man was left to himself under the Old Law, that through falling into sin he might know his weakness, and his need of grace (Rom. v. 20).

But the New Law is to last until the end of the world.

For nothing can be more perfect or nearer to the ultimate end than that which immediately brings us to that end. But this the New Law does. For the apostle says, "Having therefore, brethren, boldness to enter into the holy place by the blood of Jesus, by the way which He dedicated for us, a new and living way—let us draw near" (Heb. x. 19). The state of men and their consequent relations to the same law may vary, and the grace of the Holy Spirit may be more or less perfectly possessed, but no fuller gift is to be looked for than the apostles possessed.

Both the Old and the New Law had one and the same end.

In that respect they are one law. (See Rom. iii. 30.) But the one is the law of children, the other of perfection, *i.e.*, of charity.

*Should the New Law command or prohibit any outward acts? **

It has been already pointed out that the chief feature

* This is a most fundamental question for the student of Moral Theology. Lutherans dogmatized from the necessity of faith to a contempt of "legality;" and so, Moral Theology, at first denounced, when nominally revived appeared as a subjective Moral Philosophy with very loose sense of the obligation of an objective law revealed by

of the New Law is the grace of the Holy Spirit, which is manifested in faith working through love. But men obtain this grace through the Son of God made Man, whose humanity God has filled with grace which is derived from Him to us. "Of His fulness we all received;" "grace and truth came by Jesus Christ." Therefore it was fitting that the grace flowing from the Incarnate Word should be derived for us through some outward sensible means, and that from the inward grace by which the flesh is subdued to the spirit, some outward sensible works should be produced.

So, then, outward works in two ways can pertain to grace. In one way, after a certain manner, they may lead to grace; and such are the works required by the Sacraments of the New Law, as Baptism, Holy Eucharist, and the like. But others are outward works which are produced from the impulse of grace. And among these a certain difference is to be noted. For some have necessary connection with, or opposition to, the inward grace, which consists in faith working through love; and outward works of this kind are commanded or prohibited in the New Law. Thus, confession of the faith is commanded, and denial of it is prohibited (S. Matt. x. 32). But there are other works which have not such necessary connection with faith working through love. And such works were not commanded or prohibited at the first institution of the New Law, but were left by Christ, the legislator, to each one who had charge of any such thing. And so it is free to each one to determine respecting such things what it is expedient for him to do or to avoid, and to each one who has authority over others to ordain for them in such things what is to be done or avoided. Hence, the Gospel is called a law of liberty, for the Old Law determined many things, and left few to be freely determined by men themselves.

God for the conduct of human life. See, for example, Lutheran treatment of the sacrament of Holy Matrimony.

(1) But it is objected that "The kingdom of God is within us" (S. Luke xvii. 21); and "The kingdom of God is not eating and drinking, but righteousness and peace and joy in the Holy Ghost" (Rom. xiv. 17). Therefore, the New Law does not command or prohibit outward acts.

The kingdom of God does, indeed, consist principally in inward acts; but, consequently, all those things pertain to that kingdom without which the inward acts cannot exist. If the kingdom of God is inward righteousness and peace and spiritual joy, it follows that all outward acts which are opposed to righteousness and peace and spiritual joy are opposed also to the kingdom of God; and, therefore, they are prohibited in the Gospel of the kingdom. But those actions which are indifferent in this respect, as eating this or that food, do not constitute the kingdom of God, as the apostle says.

(2) Again, it may be objected that the New Law is the law of the Spirit, "and where the Spirit of the Lord is, there is liberty" (2 Cor. iii. 17). But there is no liberty where men are compelled to do or to avoid any outward works. These, therefore, do not belong to the New Law.

But I answer that he is free who is "*causa sui*;" he freely does anything who acts from himself. But what a man does from a habit agreeing with his nature, he does of himself. But if a habit should be repugnant to nature, the man would not act of himself, but only according to a supervening corruption of his nature. Because, therefore, the grace of the Holy Spirit is a kind of inward infused habit inclining us to operate rightly, it makes us freely do those things which harmonize with grace and avoid those things which are repugnant to it.

So, then, the New Law is called a law of liberty for two reasons: First, because it does not constrain us to do or to avoid anything except those acts which are in their very nature either necessary or repugnant to our salvation, which things fall under the precept or the prohibition of the law.

Secondly, because it enables us freely to fulfil precepts or prohibitions of this kind, inasmuch as they are fulfilled from the inward motion of grace. For these two reasons the New Law is called the "law of perfect liberty" (S. James i. 25).

What outward acts are commanded or prohibited in the New Law?

We have seen that only those are found in the New Law by which we are received into grace, or which necessarily pertain to the right use of it. And because we cannot obtain grace of ourselves but only through Christ, therefore the sacraments by which we obtain grace were instituted by the Lord Himself, and are sacraments of the New Law. (Their laws, therefore, are an essential part of Moral Theology.)

But the right use of grace is through the works of charity, which, indeed, as requisite for virtue, pertain to the moral precepts which were given in the Old Law. In this respect, then, the New Law had nothing to add regarding outward acts. But the determination of those works, so far as the worship of God is concerned, pertains to the ceremonial precepts of the law; and so far as our neighbour is concerned, to the judicial precepts. And, therefore, because those determinations are not in themselves necessary for inward grace in which the New Law consists, they are not commanded by it, but are left to human judgment; some to each individual man, but others, which pertain to the common utility, to rulers, temporal or spiritual. So, then, the New Law commanded or prohibited no outward works, except sacraments and such moral precepts as are of the essence of virtue.

Sacred rites in which grace is not given, and which, therefore, do not of themselves pertain to the necessity of inward grace, the Lord left to be instituted by the faithful according to their judgment.

The Sermon on the Mount contains the complete guide of the Christian life in its perfect ordering of the inward motions of the heart.

Besides commands, the New Law contains some determinate counsels.

The difference is that a precept implies necessity of fulfilment, but counsel is left at the option of him to whom it is given. It is the law of liberty which adds counsels to commands, not the Old Law, which was a law of bondage. The precepts of the New Law refer to those things which are necessary for the obtaining of the end—*sc.*, eternal beatitude—into which the New Law immediately introduces man. But counsels are of those things through which man can better and more expeditiously reach that end. But man is so placed between the things of this world and those spiritual goods in which his eternal beatitude consists, that the more he cleaves to the one, the more he recedes from the other, and conversely. He, then, who entirely cleaves to the things of this world, seeking the end of his being in them, making them the reason and rule of his actions, totally abandons spiritual goods; and, therefore, inordination of this kind is forbidden by absolute commands.

But in order to arrive at that end it is not necessary to cast away entirely the things of this world, because man can use them without making them his end, and so reach eternal beatitude. But he will do so more expeditiously by that renunciation which is the Evangelical counsel. But the goods of this world, which are useful in human life, are three in number; *sc.*, (1) Outward riches, which lead to the lust of the eyes; (2) sensuous pleasures, which lead to the lust of the flesh; and (3) worldly honours, which pertain to the pride of life (1 Ep. S. John ii. 16). But to abandon these three as far as is possible pertains to the Evangelical counsels, as in the three-fold vow of poverty, celibacy, and obedience. And, furthermore, observance of

any one of them, in any particular case, pertains to counsel in that special case; as when a man gives alms to the poor without any direct obligation to do so, he follows counsel in that action. Or when for some determined time he abstains from sensuous pleasures in order to have more time for prayer, he follows counsel for that period. Or when he gives up his will in any particular, although he could lawfully have it, he follows counsel in that case—say, if he benefits his enemies when he is not bound to do so, or passes by an injury for which he might justly demand compensation.

(1) It is true that these counsels as such are expedient for all, but owing to the spiritual state of some one, they may not be expedient for him, because his affections are otherwise inclined. Accordingly, the Lord, in proposing the Evangelical counsels, always makes mention of the fitness of men for observing them. “If thou wilt be perfect, go and sell all that thou hast” (Matt. xix. 21); “He that is able to receive it, let him receive it” (*ib.* v. 12); and S. Paul says, “This I say for your profit, not that I may cast a snare upon you” (1 Cor. vii. 35).

Observe, with reference to the example cited above, that love of enemies, as a preparation of the soul, is necessary to salvation, and is so commanded; *sc.*, that a man be ready to do good to his enemies, etc., when need so requires. But that one should go out of his way to do so, when there is no special need, pertains to special counsels.*

* The remainder of the *Prima Secundæ* of the *Summa*, discussing the subject of Grace, although it has intimate bearing on Moral Theology, yet being equally connected with Dogmatic Theology proper, is relegated to that subject.

PART II.—THEOLOGICAL VIRTUES.

CHAPTER I.

FAITH AND ITS OPPOSITE VICES.

§ 1. Faith.

In order to consider rightly the virtue of faith, we must inquire first into its object, then into the act of faith itself.

Faith assents to nothing except as revealed by God, and because it has been revealed by God. Therefore it rests on the primal verity, on God. This is faith's "formal" part, the essence of faith. But if we consider the things which are received by faith, the "material" part, not only God's existence but many other things also are believed, which, however, do not fall under the assent of faith, except as related to God. In both ways, then, the object of faith is primal verity (either God Himself, or the Divine veracity in revelation).

Is the object of faith things or propositions?

Things known are in the knower after his proper manner. Now the proper mode of human intelligence is through propositions which analyze or synthesize. So, then, the object of faith also can be considered in two ways; one, on the side of the thing believed, and so the object of faith is the very thing (or being) concerned; another, on the part of the believer, and so the object of his faith is some inward proposition of his mind. But the act of faith is not ter-

minated in the proposition, but in the thing (or being) which is the object of the proposition. And thus we say, "I believe *in* God the Father Almighty."

Can the false be the object of faith?

No; for nothing can be embraced in the faith which does not stand under that primal verity which is its "formal" object.

(1) Truth is the good of intelligence; therefore all the virtues which perfect it, and chiefly faith, totally exclude the false. Hope and charity may in a certain way be deceived, but these perfect the will, whose good is a different good from that of intelligence.

(2) Human conjectures may be attached to the object of faith, and may err, but this is not error in the faith.

Faith is "the proving of things not seen" (Heb. xi. 1).

Faith signifies the assent of the mind to that which is believed. But that assent is given, first, when the mind is moved to it by the object itself, which is either known *per se—sc.*, primary self-evident truths—or known through another object, the necessary inference or conclusion of scientific knowledge. But that assent is given also, secondly, not because the intellect is sufficiently moved by its proper object, but because through some choice the mind voluntarily inclines to one side rather than to the other. And if indeed this is done with hesitation and fear of the other side, it will be opinion; but if with unhesitating certitude, it will be faith. But the things which, *per se*, move our intelligence to know them, are seen by the senses, or by the mind. Hence it is manifest that neither faith nor opinion can be of things seen by sense or by the intellect. A thing may be seen to be credible, to harmonize with the habit of spiritual faith, and so on; but this is not literally seeing with the mind the object of faith.

Can those things which are of faith be known or demonstrated?

All knowledge comes through principles known *per se*; *i.e.*, they are seen. And, therefore, whatever things are known, in some way are seen. But the same thing cannot at the same time, and by the same person, be known and believed. Still it can happen that what is seen and known by one, may be believed by another. "Now we see through a glass darkly, but then face to face" (1 Cor. xiii. 12). What we believe, the saints see and know. The same thing may be true in this present state of life. But that which is proposed to all men in general to be believed, is in general not known; it is simply the object of faith.

(1) This is not the ignorance of unbelief; but through the light of faith, not through demonstration, the faithful see what they are to believe.

(2) As science demonstrates its conclusions, so the truth of the faith is argued in two ways; one, not demonstrative but persuasive argument, showing that the things believed are not impossible; another, deducing the articles of faith from the Holy Scriptures, the foundations of the faith.

(3) Some things are believed which philosophy undertakes to demonstrate, as the being and unity of God, etc. But these are numbered with the articles of the faith, both because they are preambles of the faith, and because where they are not demonstratively known they must at least be believed.*

§ 2. The inward act of faith.

What is it to believe?

If we say that it is thinking with assent, we shall need to examine our terms. What is it to think? (1) An consideration of a thing by the mind may be called so; and

* Other articles on the object of faith, though of great value, are omitted as not essential to Moral Theology.

he who considers the things which he knows does so with assent to them. But this is not belief. (2) It may mean a consideration of some subject with inquiry into it, before there is perfect insight into it. This is an act of the deliberating intellect. Now there are acts pertaining to the intelligence in which, without further reflection, there is firm assent, as when one considers what he already knows or sees to be true. And there are acts of intelligence also in which there is a thought without firm assent, inclining sometimes to neither side, as in doubt; or to one side through some trifling indication, as in suspicion; or adhering to one side with fear of the opposite, as in opinion. But in belief there is firm adhesion to one side, and so far it agrees with knowledge and intellectual insight; and yet there is not perfect knowledge through clear insight, and so far it agrees with doubt, suspicion, and opinion. And so this mental reflection with assent, is peculiar to belief.

But the inquiry is not into direct demonstration of the things which are believed, but into the reasons for believing, say, that they have been spoken by God, are confirmed by miracles, etc., etc.

Assent may also be said to be the act of will, because the mind of him that believes is determined to one proposition, not by reasoning but by his will. So assent as here used signifies the act of the intelligence, as it is determined by the will to one thing. (The reason why the will assents to what the mind does not see, is because God has said it.)

There are three acts of faith in relation to its object.

For since believing pertains to the intellect as it is moved to assent by the will, the object of faith may be viewed either on the intellectual side of the act, or on the side of the will moving the intellect. If the first, we may consider the very thing believed, the "material" object of faith. This is God. For nothing is proposed to faith, except as it pertains to God. This is "*credere Deum*" (believing that God

is). Or we may consider why the assent is given, the "formal" part of the object. And this is primal verity, to which man adheres, on account of it assenting to what he believes. This is *credere Deo* (believing what God says). But we may consider, thirdly, the object of faith, as the reason is moved by the will. So viewed, the act of faith is *credere in Deum* (to tend to God as the ultimate end on account of whom we will to believe).

The unbeliever, indeed, may admit that God exists; but he does not believe it under those conditions which faith determines.

Is it necessary to salvation to believe anything which is above natural reason?

Rational nature alone has immediate relation to God. Its perfection requires not only what naturally belongs to it, but what is given to it through a certain supernatural participation of the Divine goodness. Hence the ultimate beatitude of man consists in the supernatural vision of God. (See page 4.) To this man can attain only as he is taught of God (S. John vi. 45). But this discipline is not instantaneous, but gradual, according to the laws of man's nature. But every one who is taught must believe in order to reach perfect knowledge. Hence if man would attain his perfect beatitude, he must believe his teacher, God.

(1) The things to be believed exceed natural reason, because the nature of man depends on a higher nature.

(2) It is true that man cannot judge of what is proposed to his faith, by referring it to those primary truths through which we judge of all things besides. But there is no risk of illusion in this. For as by the natural light of reason man assents to principles, and as a virtuous man through his habit of virtue has right judgment respecting those things which harmonize with his virtue, so, by the light of faith divinely infused, man assents to those things which are of faith, but not to their contraries.

Is it necessary to believe those things which can be proved by natural reason—e.g., that God is one and a Spirit?

Yes; and for three reasons: (1) that man may more speedily arrive at the knowledge of Divine truth. For the science to which it appertains to prove that God exists and other such truths respecting Him, is the last to be acquired by men, many other sciences being presupposed. And so man would arrive at the knowledge of God only at a late period of life.

(2) There is the same necessity of belief in order that the knowledge of God may be more widely diffused. For many are too dull of understanding, or too much occupied, or too sluggish of will to acquire this science (philosophy), and they would altogether be deprived of the knowledge of God, if it were not offered to them through faith.

(3) There is the same necessity of belief in order that there may be certitude. For human reason is very defective in Divine things, and even about human affairs philosophers have widely differed, and many have erred. In order, therefore, that there might be unhesitating certitude respecting God, Divine things (even those which might be proved) were delivered to faith as spoken by God.

Man is bound to believe explicitly all the articles of the faith, and implicitly whatsoever is contained in the Holy Scriptures.

“He that cometh to God, must believe that He is, and that He is a rewarder of them that seek after Him” (Heb. xi. 6). For the determination of the act of any virtue to its proper and *per se* object is part of the command, like the act of the virtue itself. And the object of faith, *per se*, is that by which man is rendered blessed.

But the determination of the virtuous act to things which are accidentally or secondarily related to its proper object is not commanded except under the suitable conditions of place and time. And thus man is bound implicitly or in preparation of soul to believe whatever the Divine Scriptures contain. (The argument seems to require, as

qualification, the contents of Holy Scriptures as connected with the primary object of faith. It may not be possible to draw the line of division, but if, beside the Divine element in Holy Scriptures, there is a human element—say, numbers, names, and the like—the argument hardly seems to reach to that ; in fact, that element was probably not in the mind of the saint at all.)

(1) But how can a man be bound to that which is not in his power ? “How shall they believe in Him of whom they have not heard ?” (Rom. x. 14). Man is bound to many things which he cannot reach without assisting grace, as, to love God and his neighbour.

(2) But the good of faith consists in obedience (Rom. i. 5), and the virtue of obedience does not require that one observe any determinate precepts, but it suffices that he have a ready mind (Ps. cxix. 60). Therefore it seems to suffice for faith that one have a ready mind to whatever may be Divinely proposed, without explicitly believing anything.

But I answer that the virtue of obedience is properly in the will, and, therefore, to the act of obedience (not to the act of faith which is in the intellect) it suffices that there be a promptitude of will subject to the one who commands ; and this is properly and *per se* the object of obedience.

Faith is a meritorious act,

(in the sense in which we speak of virtuous acts as being meritorious ; see p. 42). “Through faith” the saints of old time “obtained promises” (Heb. xi. 33). This could not be if their faith had no merit.* Observe, then, that our acts obtain reward, are meritorious, in so far as they proceed from free-will moved by the grace of God. Hence, every human act which is under free-will can be meritorious if it is referred

* The illustration shows that S. Thomas is here speaking of a holy life as the effect of heavenly grace, and of its worthiness to receive a supernatural reward. Cp. the 18th Article of Religion, and consult Summ. I. ii. 114.

to God. But faith is the act of the intellect assenting to Divine truth at the command of the will which is moved by the grace of God. Therefore it can be meritorious.

(1) Charity indeed is the principle of merit. But nature and faith are precedent to charity; nature, as the matter in which charity is found; faith (*fides informis*), as a precedent disposition. But when charity is come, nature and faith act in virtue of that (*fides formata*), and so neither nature nor faith can produce a meritorious act without charity; but charity supervening, the act of faith is rendered meritorious by it, as is the act of nature and the natural act of free-will.

(2) Even in knowledge something of a similar kind may be found. For while assent is compelled by the cogency of demonstration, and is neither subject to free-will nor is meritorious, yet the actual consideration of the thing in question is so subject, since it is in a man's power to consider or not to consider. And so the considering may be meritorious if it be referred to the end of charity; i.e., to the honour of God or the good of our neighbour.

(3) A superficial objection says that if a man assent to anything with faith, he either has sufficient reason leading him to believe, or he has not. If he has, his faith is not meritorious, because he is not free to believe or disbelieve. If he has not, he shows empty credulity. Either way there is no merit in the case. But I reply that he who believes has sufficient motive for doing so, since he is led by the authority of Divine doctrine confirmed by miracles, and, which is more, by the inward drawing of God Himself. Hence, faith is not credulity. But still there is none of the compulsion of demonstration, and merit is not taken away.

Do credible arguments for the faith diminish the merit of that virtue?

Reason may precede the will in believing—say, when one

either would not have a believing will, or not so prompt a one, if human reasons had not led up to faith ; and so they diminish the merit of faith, for we ought to believe, not on account of human arguments, but of Divine authority. (Of course, in point of time motives for believing must precede, if we would not fall into mere credulity. But the author is speaking of the cause, the reason of assent.) In another way reason may follow the will of him who believes ; for when a man has a will prompt to believe, he loves the verity which he believes, and he reflects upon it, and delights in finding reasons for it. This does not detract from faith, but rather increases its merit.

§ 3. The outward act of faith.

Spoken words are ordained to signify what is conceived in the heart ; and outward confession of the faith is an external act of faith.

Is it necessary to salvation ? The apostle says, "With the mouth confession is made unto salvation." But this confession as an affirmative act can fall only under an affirmative precept. It is necessary to salvation after the manner of other affirmative commands. Now, these are of perpetual obligation, but not at all times (*"semper, non ad semper"*). But they bind in certain times and places according to due circumstances, in accordance with which the human act must be limited in order to make it an act of virtue. So, then, confession of the faith at all times and in every place is not essential to salvation, but confession in some place and time is so ; when, *sc.*, through omission of this confession honour due to God would be withheld, and even the benefit of our neighbour criminally neglected ; say, if one who is asked respecting his faith should keep silence, and so should be taken for an unbeliever, or others should be turned away from the faith through his silence.

(1) But cannot our hearts cleave to Divine truth without speaking of what we believe ? I answer that the end of

faith, as of other virtues, must be referred to charity, the love of God and of our neighbour. Now, when the honour of God or the utility of our neighbour demands this confession, a man ought not to be content to possess Divine truth through his faith, but ought to declare it with his lips.

But apart from any benefit to the faith or to the faithful, it is not laudable to proclaim one's faith if tumult among unbelievers is the result. If good is reasonably hoped for, let the disturbance be despised.

§ 4. The virtue of faith.

What is the virtue of faith?

If we consider the apostle's description (Heb. xi. 1), we shall see that it contains all that is essential to definition. "Faith is the substance of things hoped for, the proof of things not seen." Primal verity is the end and object of this theological virtue, verity not seen as yet. And so it is spoken of as "hoped for." For to see the truth is to possess it. But no one hopes for that which he already has, but for that which he has not. So, then, the relation of the act of faith to its end, which is the object of the will, is expressed thus: "the substance of things hoped for." Substance here means the beginning of a thing when all that follows is virtually contained in its beginning. So we may say that primary indemonstrable principles are the substance of science, because they are first in logical order, and virtually contain all science. This is likewise true of faith, because the first beginnings of the things hoped for are in us through the assent of faith, which virtually contains all the things hoped for. For we hope to be blessed in seeing face to face the truth to which we adhere through faith. But the relation, secondly, of the act of faith to the object of the intelligence, as it is object of faith, is next described, viz., "the proof of things not seen." Proof is here taken for the effect of proof. Faith is thus distin-

guished from all other things which pertain to the mind. "Proof" or evidence distinguishes it from opinion, suspicion, and doubt, in which there is no firm adhesion of the mind to anything. "Things not seen" distinguishes it from knowledge and understanding. And, finally, "the substance of things hoped for" distinguishes the virtue of faith, from faith in general, which is not ordained for the beatitude hoped for. We say, "the things hoped for," not "the things loved," for love may be of things seen, which cannot be the object of faith. Note, too, that evidence from the proper principles of the thing makes it to be (inwardly) seen; not so the proof from Divine authority (except in a common figure of speech).

Faith is primarily a virtue of the speculative intellect.

For believing is primarily an act of the intellect, because the object of this act is the true, which properly pertains to the intellect. And therefore it is necessary that faith, which is the proper principle of this act, be there also. To faith succeeds vision; "now we see through a glass darkly, but then face to face." But vision is in the intellect, therefore faith also is. The act of faith, indeed, as we have seen, proceeds from will also which moves to assent. Therefore both powers must be perfected by their respective habits, in order that the act of faith may be perfect in its kind.

Living faith.

The object of the will is the good, and the act of faith, as we have just seen, is ordained for this end. But this Divine good, which is the end of faith, is the proper object of charity. Therefore by charity the act of faith is perfected and "informed" (*fides formata*). Faith works through love.

Dead faith and living faith are one so far as intellect is concerned; but what distinguishes living faith is found in the will; i.e., the grace of charity.

Fides formata is a virtue, for "we are justified by faith"

(Rom. v. 1). Since believing is the act of the mind assenting to the true under the command of the will, in order that the act may be perfect (*i.e.*, proceed from virtue), two things are required: first, that the mind infallibly tend to the true; next, that the will be infallibly ordered with respect to the ultimate end on account of which that assent is given. Both of these are found in the act of *fides formata*. For, first, faith is directed to the true, since the false cannot be the object of true faith (see page 154); next, charity by which faith is "informed" (rendered living) directs the will to the good end.

But dead faith is not a virtue, since it lacks the due perfection on the part of the will.

Why is faith first among virtues (in order of generation)?

Since, in things which are to be done, the end is their first principle, necessarily the theological virtues, which have as their object the ultimate end, are prior to other virtues (if we speak of the perfect virtues). But the ultimate end itself must be in the intelligence before it is in the will, because nothing can be willed which is not previously cognized, apprehended by the mind. Hence, since the ultimate end is in the will, indeed, through hope and love, but in the intellect through faith, the latter is necessarily first among virtues. *Per accidens*, however, other imperfect virtues may prepare the way for faith, as humility may remove the pride which makes the reason refuse to submit itself to the verities of the faith.

Charity is the foundation of the spiritual edifice (Col. iii. 14), which binds all parts of it together; but this does not make it first in order of generation.

Is faith more certain than knowledge (scientia) and the other intellectual virtues?

Wisdom, knowledge, and understanding, the three intel-

lectual virtues which concern necessary truth, resemble faith in this, and are thus distinguished from prudence, which concerns contingent truths. The question before us plainly regards the three first, since prudence cannot have the same certitude in its object. Observe, also, that the same three names are applied to three of the seven gifts of the Holy Spirit. If, now, we speak of the three intellectual virtues as compared with faith, certitude is of two sorts : one depending on the cause of certitude. That is more certain which has the more certain cause. In this way faith is more certain (objectively), because it rests on Divine veracity ; but the three intellectual virtues rest on human reason. But certitude may be viewed (subjectively) on the side of the one who has it, and so that is said to be more certain which the mind of man more fully attains to ; and, in this way, since the things of faith are above human understanding, but the objects of the aforesaid virtues are not, faith, on this side, is less certain. (Not that one adheres less firmly to the first, but the mind cannot rest with an intellectual intuition of the truth beyond the reach of disturbing doubt.)

But if we speak of the gifts, faith is their principle, and is presupposed, which renders faith more certain than they.

(1) There can be no doubt in the three intellectual virtues, as there can be in the believing soul. But then this doubt is not on the side of the cause of faith, but in ourselves, as understanding does not fully attain to the objects of faith.

(2) *Cæteris paribus*, sight is more certain than hearing, and faith comes by hearing (Rom. x. 17). So that it might seem as if faith had less certainty than the intellectual virtues have. But if he from whom we hear far exceeds us in power of sight, then hearing may be more certain than sight. A "layman" in science is apt to have more certainty from what scientific people tell him than from his own unassisted observations. And so man is more certain of what he hears

from God, who cannot be deceived, than of what he sees by the light of his own reason (1 Thess. ii. 13).

(3) Understanding is more perfect than faith, because through faith we arrive at understanding. But this greater manifestation in understanding and knowledge does not imply a more fixed adherence and certitude, because all their certitude as spiritual gifts proceeds from the certitude of faith. And, as intellectual virtues, they rest on the natural light of reason, which falls short in certitude from the Word of God on which faith rests.

Can he who disbelieves one article of the faith have dead faith (fides informis) in the other articles?

In the heretic who rejects one article of the faith remains neither living nor dead faith. The formal object of virtue being taken away—i.e., what makes it virtue—the virtue is destroyed. But the formal object of faith is primal truth as manifested in the Holy Scriptures, and in the teaching of the Church which proceeds from the primal verity manifested in those Holy Scriptures. Hence he who does not adhere to the doctrine of the Church as an infallible and Divine rule, has not the habit of faith, and if he hold anything which agrees with articles of the faith, he does not hold it through faith, but in some other way. So a man may hold a scientific conclusion; but if he have no scientific proof of it, it is his opinion, and it is not science.

But he who adheres to the teaching of the Church as to an infallible rule, assents to all which the Church teaches. But if he holds what he likes of Church teaching, and what he does not will to hold he does not hold, he adheres to his own will, not to the doctrine of the Church. Hence it is manifest that the heretic who pertinaciously rejects one article of the faith is not prepared to follow the teaching of the Church. If this is not pertinaciously done, he is not a heretic, but is merely in error. But it is manifest that the heretic concerning one article of the faith has not faith

respecting the other articles, but only some opinion according to his own self-will.

(There is only one mode of approach for all articles of the faith. In wilfully rejecting that mode of approach for one, it is virtually rejected for all.)

He who has faith is prepared to believe explicitly all that is contained under it, but one may explicitly believe more than another. And, also, one may adhere to primal verity with more certitude than another, with more firmness, promptitude, devotion, or confidence.

Is faith acquired, or is it infused by God?

There are two requisites for faith; one, that credible things (things to be believed) be presented to man, in order that he may explicitly believe something; the other, assent of the believer to the things so presented. As regards the first, faith is necessarily from God, for the articles of faith exceed human reason, and so do not fall under man's cognition unless God reveal them; to some immediately—*e.g.*, apostles and prophets; to others through the medium of preaching the Gospel (Rom. x. 15).

But as regards assent, we may find two causes, one outward, like miracles seen or the persuasive preaching of men; neither of which is sufficient, for one man believes, and another does not. Therefore, it is necessary to recognize another inward cause, which moves a man inwardly to assent to the things of faith. This cause is not man's free-will, as the Pelagians vainly talk, because in this assent man is raised above himself, and so there must be an inward supernatural cause moving him, which is God.

Faith, indeed, comes by hearing, and it is voluntary, but the hearing is only of what is to be believed (not the cause of belief in it); and the will must be prepared by grace in order that it may be raised to what is above nature. (Eph. ii. 8): "By grace have ye been saved through faith; and that not of yourselves; it is the gift of God."

The effects of faith

are, from dead faith servile fear; from living faith filial, reverential fear; purification of the soul from error by dead faith; from all impurity by faith informed by love.

To the virtue of faith correspond the spiritual gifts of understanding and knowledge (qu's. viii. and ix.). The first is a supernatural light which man needs in order that he may penetrate further in knowing what he could not know by natural light. Not that the very same things believed by faith are understood through the gift; but things connected with the faith are better understood, though imperfectly, but yet enough to know that apparent difficulties are no good reason for departing from the faith. This gift is bestowed only on those who have already received justifying grace, "*gratia gratum faciens*," and clearer light is thrown on the objects of faith, making more explicit what is believed.

(2) Knowledge is a second gift, because the faithful needs for perfect assent of faith to what is revealed not only a clear insight of understanding, but also, in order that he may not err in his belief, a certain and right judgment, distinguishing what is of faith from what is not. This is not discursive or argumentative, but direct and simple. This definition of the gift of knowledge would lead us also to the gift of wisdom; but we may make the distinction that the latter has reference to Divine things as such; the former considers human things as connected with the faith. It knows what is to be believed on the earthly side of heavenly things.

§ 5. Infidelity, heresy, apostasy, and blasphemy

Is unbelief a sin?

There is an unbelief which is purely negative, the mere absence of positive faith. So viewed in those who have never heard of the faith, it is not sin, but rather the pen-

alty of sin, because such ignorance of Divine things is the fruit of our first parents' sin. Such infidels, if they are condemned, are condemned not on account of their infidelity, but because of other sins which cannot be remitted without faith (S. John xv. 22).

But there is also (a privative infidelity) an infidelity of contradiction, by which one resists or even despises the hearing of faith (Isa. liii. 1). This is perfect infidelity and is mortal sin (S. John iii. 18).

(1) As every sin is against nature, so, although supernatural faith is not in human nature, yet that the mind of man should not resist its inward promptings and the outward preaching of the truth is certainly natural.

(2) If you say that no one sins in what he cannot avoid, and therefore unbelief is no sin, you are speaking of purely negative unbelief.

(3) Infidelity proper may be traced to the capital sin of pride, through which a man is unwilling to subject his intellect to a creed as the rule of faith (and to the teaching of a Church composed of fallible men like himself, no wiser, if so wise and learned, etc.).

Infidelity is a sin of the intellect.

Every sin, indeed, is in the (depraved) will, which commands all the acts of sin ; for every sin is voluntary. But sin has also its proper and proximate principle, which elicits the act of sin, as gluttony and lust are found in the concupiscible soul. But dissent, like assent, is the act of the mind as moved by the will. Therefore unbelief, like faith, has the intellect for its proximate subject, but the will as its prime mover. Contempt of the word preached, for example, has its cause in the will, but the unbelief produced is in the intellect.

Is unbelief the greatest of sins ?

Since the essence of all sin is aversion from God, any sin

is graver the more man through it is separated from God. But this is especially true of unbelief, since true knowledge of God is rejected ; but by falsehood respecting Him, one does not draw near to Him, but rather removes self from Him. The unbeliever's false opinion is not God at all. Thus it is manifest that infidelity is worse than sins which consist in perverse morality. It is otherwise with sins which are opposed to the theological virtues. (See page 180.)

(1) It does not follow that the unbelief of a heretic is worse than the immorality of a Catholic Christian, for what is worse in kind may be rendered lighter by palliating circumstances, as also the sin of a Catholic may be aggravated by the circumstances of it.

(2) Although infidelity is wilful opposition to the faith, yet it may be joined with ignorance, which palliates it, especially when one, like Saul, the persecutor, does not sin from malice (1 Tim. i. 13).

(3) It is true, also, that sorer punishment falls on the faithful for their sins than on infidels (Heb. x. 29) ; but infidelity as sin may, nevertheless, deserve heavier punishment than any one sin of another kind. But the believer sins more gravely in any offence, *cæteris paribus*, than the unbeliever, both because of his greater knowledge of the truth derived from the faith, and because he has received the sacraments of faith, which through his sin he tramples under foot.

Is every action of the unbeliever sinful ?

We have seen that mortal sin takes away justifying grace (" *gratia gratum faciens* ") (see pages 110, 115), but it does not totally corrupt the good of nature. Hence, since infidelity is a mortal sin, the infidel has not that grace, but natural good still remains in him. It is plain, then, that infidels cannot do those meritorious works which come from grace, but, in some way, they may do those good actions for

which nature is sufficient. It is not necessary, then, that they sin in whatever they may do. But whensoever anything is done from unbelief, then they sin. For as one who has faith can commit some sin in an act which he does not refer to the end of his faith, so also the infidel can do some good act in that which he does not refer to the end of his unbelief.

Faith, indeed, directs the intention with respect to the supernatural end, but the light of natural reason can direct the intention with respect to some connatural good.

Heresy : is it a species of infidelity ?

He who rightly holds the Christian faith, of his own will assents to Christ in those things which truly pertain to His doctrine ; and any one can deviate from the rectitude of Christian faith by refusing to assent to Christ. Such an one has an evil will respecting the end itself. This is the infidelity of those who reject the Church altogether, as heathen and Jews. Or, in another way, one may intend indeed to assent to Christ, but fail in choosing those things in which the assent is given. Heresy is this evil choice. The heretic does not choose those things which are truly delivered by Christ, but those which his own mind suggests to him. Therefore heresy is a species of infidelity pertaining to those who profess the faith of Christ, but corrupt its dogmas. (It may be defined as “pertinacious error manifestly repugnant to the faith, in him who has professed that faith in its verity.”)

It is counted among the works of the flesh (Gal. v. 19), by reason of its remote cause, which is pride, cupidity, etc., the desire of some wrong end.

This evil choice may be made in what directly and principally pertains to the faith, as the articles of the Christian creed ; or indirectly and secondarily, in those things from which follows the corruption of any article.

Not all differences among theologians are to be called

heretical, because, as S. Augustine says (Ep. 43), "If any one defend his judgment, although it be false and perverted, without pertinacious obstinacy, and seek the truth with careful solicitude, ready to be corrected (by it) when he shall have found it, by no means is he to be counted among heretics," because he makes no choice contradicting the doctrine of the Church. Differences, then, which are not heretical may concern those things which will not affect the faith whichever way they are decided (*e.g.*, the historical or scientific value of the Holy Scriptures), or those things which, though they are connected with the faith, have never been determined by the Church.

(Articles against toleration of infidels and heretics are omitted.)

Apostasy.

It is an aggravated form of infidelity, since it is a departure from, a casting off of, the faith after it has been received (2 Pet. ii. 21).

Blasphemy: what is it?

Whoever denies of God anything which belongs to Him, or asserts respecting God that which does not belong to Him, derogates from the Divine goodness, for He is the very essence of goodness, and whatever, therefore, belongs to Him, pertains to His goodness. But this derogation from the Divine goodness may be only in the intellect, or it may be also accompanied by a certain detestation in the affections (which constitutes the perfect sin of blasphemy). If this is found in the heart only, it is blasphemy of the heart; if it is also uttered, it is blasphemy of the lips.

It is a mortal sin, because it is repugnant to Divine charity, inasmuch as it is derogatory to the Divine goodness which is the object of charity.

It may be venial sin only when one does not observe that he is speaking blasphemy, in sudden heat bursting out in words whose significance he does not consider.

But in itself it is aggravated infidelity, because a detestation of will is directed against the Divine honour. It is worse than homicide, because the latter is sin against our neighbour, but this is directly against God. Of course, if we speak of injurious effects, the case may be different, but the gravity of sin depends more upon the perversity of the will than on the effects of the action.

The "sin against the Holy Ghost" takes various forms; but, in general, we may understand it as a casting off in contempt that which might have hindered the choice of evil, as hope is rejected through despair, and godly fear through presumption. But all these hindrances to the choice of evil are the effects of the Holy Ghost in us. And this malicious wickedness is sin against the Holy Ghost. There are six forms of it: (1) despair, (2) presumption, (3) that impenitence which implies a purpose of remaining impenitent, (4) obstinate adherence to sin, (5) impugning of known truth in order that one may more freely sin, and (6) envy not only of a brother's prosperity but of the grace of God in him.

Spiritual blindness and dulness of heart are vices opposed to spiritual knowledge and understanding.

Mental blindness is privation of the principle of mental vision. Now this principle is three-fold: (1) The light of natural reason, of which the rational soul is never deprived, although it may be hindered from its proper activity through impediments in lower mental powers which the mind needs for thought. (Note this view of ordinary forms of insanity.)

(2) Another principle of mental vision is an habitual light superadded to the natural light of reason, and this light indeed is sometimes taken away from the soul. This is penal blindness, the light of grace being taken away as the penalty of sin.

(3) Another principle of mental vision is a certain men-

tal principle by which a man understands other things, at which principle the soul can aim, and is able not to aim. And this not aiming at it is due sometimes to a will spontaneously turning itself away from its consideration, of which the Psalmist speaks (Ps. xxxvi. 3). But sometimes, also, this blindness is due to mental preoccupation with things which are loved more, and this blindness of concupiscence, like the preceding, is sin. To understand the truth is, indeed, in itself agreeable to every one ; but it may become hateful, if a man is hindered thereby from things which he more loves.

Instead of absolute moral blindness, there may be a dulness of moral feeling in the consideration of spiritual goods, and both are opposed to that gift of spiritual understanding through which man apprehends and knows spiritual goods, and keenly penetrates into their deepest recesses. And this dulness of vision is sin just so far as it is directly or indirectly voluntary, as in him who, strongly affected towards carnal pleasures, feels disgust for spiritual things, or neglects them.

These are especially the sinful *fruits of fleshly sins*, because the soul is most strongly drawn to that in which it finds the intensest pleasure, and consequently the mind is enfeebled with respect to spiritual things ; while, on the other hand, the opposite virtues of abstinence and chastity especially dispose a man's soul for spiritual activity. And this is more or less true even of those who have a natural gift or an acquired habit of intellectual speculation.

CHAPTER II.

HOPE AND ITS OPPOSITE VICES.

§ 1. Hope.

Why is hope a virtue ?

Virtue has already been defined in Aristotle's words, as "that which makes him who has it good, and renders his work good" (Eth. Nic., ii. 5). Therefore, wherever any good act of man is found, some human virtue corresponds thereto. But in all things which are subject to rule and measure, the good depends on their attaining that proper rule ; as we call a coat good which neither exceeds nor falls short of the due measure. But we have seen (see page 80) that there is a two-fold measure of human acts, one proximate and homogeneous with those acts, *sc.*, reason ; another, supreme and transcendent, *sc.*, God. And on this account every human act which attains to reason or to God is a good act. But the act of hope, of which we are now speaking, attains to God. For the object of the natural passion of hope is future good, difficult of attainment, yet possible to be had. Now, anything is possible for us either through our own selves or through others. But in so far as we hope for anything as possible to us through Divine aid, our hope attains to God, on whose aid it rests. And so it is plain that such hope is a virtue, since it makes a man's act good, attaining to its due rule and measure. (Define this theological virtue, then, as "a habit of soul, Divinely infused, through which with sure confidence we expect to obtain the spiritual good of eternal life by Divine aid.") This hope is not the natural passion (though grounded in that), but a spiritual habit, purely the gift of grace.

more perfect, for we hope most from those who are our friends. This is "*spes formata*," in which one hopes from God because He loves and is loved.

The act of hope belongs to the "appetitive" soul, because it is a seeking after the good ; but it does not pertain to the sense-appetite, because the object is not sensible good, but Divine good.

Along with this virtue may be considered the spiritual gift of *godly fear* (qu. xix.). We may fear that which is evil, or that from which the evil proceeds. In the first way, God cannot be feared. In the second way He can. This evil proceeding from God, evil *secundum quid*, though good simply, is the evil of punishment, "*malum pœnæ*," which is the ground of servile fear, in which one turns to God through fear of His judgments. Or, with filial fear one may dread separation from God through his own fault, "*malum culpæ*," or, again, there may be that worldly fear which the Lord prohibited as evil (S. Matt. x. 28), in which, through love of the world and dread of worldly loss, one departs from the service of God. It is filial fear which is the gift of the Holy Spirit, like the other spiritual gifts, a certain habitual perfection of the soul, by which it is made prompt to follow the guidance of the Holy Ghost, just as moral virtues render the passions prompt to follow reason.

§ 2. Vices opposed to hope : despair and presumption.

Is despair a sin ?

It is a noteworthy remark of Aristotle's (Nic. Eth., vi. 2), that seeking and aversion in the will correspond to affirmation and negation in the intellect. And good and evil in the latter correspond with the true and the false in the former. And, therefore, every motion of desire which is conformed to the truth of the reason is in itself good, and

every motion of desire which follows the false is in itself evil and sin. But the true thought of the mind concerning God is that from Him come our salvation and pardon for sinners (Ezek. xviii. 23). And the false opinion is that He denies pardon to the penitent, or that He does not turn sinners to Himself by justifying grace. And as hope which is conformed to correct estimation of God is laudable and virtuous, so the opposite, which is despair based on a false estimation of God, is vicious and a sin.

Every mortal sin whatsoever is some kind of aversion from the infinite Good ; but the sins which are opposed to the theological virtues consist, primarily and chiefly, in this aversion, as hatred of God, despair and infidelity, because the theological virtues have God for their direct object ; and he that deserts God necessarily turns himself to some changeable good. But other sins consist principally in the turning to such good, and, consequently, in aversion from God. For the sensualist does not intend to depart from God, but to enjoy his pleasure ; from which follows the aversion from God.

Fear of God is good ; yet indirectly evil fruit may proceed from a good root, when one uses the good in a bad way, taking occasion for despair from his servile fear.

Does despair necessarily imply infidelity ?

The latter belongs to reason, the former to the will. But reason considers universals, while the will is moved to particular things. Now, one can have a correct estimation of universal principles, while his estimation of particulars is corrupt. His general judgment necessarily proceeds to the desire of some particular thing through the medium of some particular judgment ; and hence it is that one may have a right faith in general, while his will fails in the particular thing, his estimation of that particular thing being corrupted by habit or by passion. One may rightly believe in the forgiveness of sins in Holy Church, yet give up to

despair; *sc.*, that in his present state there is no hope of pardon for him in particular.

According to their specific character the gravest sins are those which are opposed to the theological virtues.

These have God for their object; those are direct aversion from God. Such sins are infidelity, hatred of God, and despair. In themselves the two former are even graver than the last. For infidelity comes from rejecting the veracity of God; hatred, from a will opposed to the Divine goodness; despair, from the want of hope that one will be a sharer in that goodness. The two former, therefore, are directly against God as He is in Himself; the last, as His goodness is participated by us. But, on our side, despair is more dangerous, because by hope we are recalled from evils, and led to seek for good; but hope being taken away, men rush into unbridled vices and are held back from efforts for good.

Causes of the mortal sin of despair.

We have seen (page 175) that the object of hope is good difficult of attainment, but possible to be obtained through one's own efforts or by another's aid. Hope of beatitude, then, may fail in either of two ways: either that felicity is not regarded as such a good, or it is deemed unattainable. If our affections are corrupted by the love of sensual pleasures, spiritual good things are distasteful, and are not hoped for as difficult goods. So lust (*luxuria*) produces despair.

But, on the other hand, spiritual sloth ("*acedia*") casts down the soul so that the difficult good is viewed as unattainable. So this capital sin produces despair.*

* This mortal sin of despair caused by lust or spiritual sloth should be distinguished from what may outwardly resemble it: (a) the scrupulous conscience which is always finding difficulties in the way of salvation that cast down the mind, and tend to obscure its hope; (b)

Presumption : what is its object ?

Presumption implies unwarranted, immoderate hope. Now, hope is of what is possible, and that possibility refers either to one's own powers, or to the Divine aid. There are, then, two kinds of presumption : one, by which any one is seeking some good as possible for himself, though it exceed his powers ; another, by which any one is seeking some good as possible through the power and mercy of God, when it is not possible—*e.g.*, he hopes to obtain pardon without repentance, or glory without deserving it. But this kind of presumption is a species of sin against the Holy Ghost, since by it is taken away or despised the aid of the Holy Ghost by which man is recalled from sin.

(1) Does there seem to be greater presumption in trusting to one's own powers than in trusting to Divine power ? But the gravest sin is sin against God. Hence, the presumption which inordinately rests on God is graver sin than that which trusts to one's own power. For it is derogating from God when one expects to obtain through His aid what it is unworthy of God to bestow. He sins more gravely who diminishes the holiness of God than he who exalts his own powers.

(2) Is it objected that other sins arise from sin against the Holy Ghost, and that self-confidence, which is rooted in self-love, is the source of many sins rather than presumption respecting God's mercy ? And so, that it is the first kind of presumption which is sin against the Holy Ghost.

But inordinate presumption respecting God includes self-love by which one inordinately desires his own good. For what we greatly desire we deem easy of attainment through others' aid, even when that is not possible.

(3) Presumption in Divine mercy is true aversion from

what is not infrequent in our age, incipient "*melancholia*" taking a religious form, and perplexing the family and the priest, who have not detected the approach of insanity.

God, because it attributes to God what is unworthy of His holy nature.

Briefly, as from despair one despises the Divine mercy on which hope rests, so from presumption one despises the Divine justice which punishes sinners. But both mercy and justice are in God. Therefore, as despair is inordinate aversion from God, so presumption is inordinate turning to Him (which is true aversion from some part of the infinite good. See (3) above).

Is presumption a sin?

What was said with respect to sin is once more to be repeated; *sc.*, that every act of will which conforms to falsehood in the intellect is in itself evil and a sin (page 179). But presumption is such an act. For as it is false that God spares not the penitent, or that He does not turn sinners to repentance, so it is false that He grants pardon to those who persevere in sin, and that He glorifies those who cease from good works. On which false estimation presumption is based. Therefore it is a sin, less in its kind, indeed, than despair is, since it is God's "property always to have mercy" and "to forgive sins" rather than to punish them, because of His infinite goodness; for that belongs to His nature, but this to His justice according to our sins.

Note that this presumption is not excess of hope, hoping too much of God; for it is hoping to obtain from God what is unworthy of His holiness, which is even hoping less from Him, because it is detraction from Him.

The source of presumption is the capital sin of pride or vainglory.

Self-presumption, inordinate trust in one's own powers, is manifestly the child of vainglory. And inordinate trust in the power or mercy of God comes from pride, when one thinks himself of so much consequence that God will not punish his sins, or exclude him from glory.

Precepts of hope and fear.

Of the precepts which are found in the Holy Scriptures some belong to the substance of Divine law, and some are preambles to that law. The latter are presupposed, because, if they did not exist, there would be no place found for law (none would be subject to that law for whom it should be promulged). Of this nature are precepts of faith and hope, because by the act of faith the mind of man is led to recognize the authority of the author of the law, and by hope of reward man is led to obedience. But those precepts are of the substance of the law itself, which are given to one already subject to the law, and ready to obey it; they pertain to rectitude of life. But precepts of hope and faith were not set forth *as* precepts, because, if man did not already believe and hope, the law would be set forth in vain. (Note that faith in God being presupposed, through which the human mind is submitted to God, commandments can be given concerning other things which are to be believed, as is apparent in the New Law of the Gospel. See qu. xvi., omitted above.)

But as the precept of faith was prefixed to the proclamation of the law—*sc.*, “I am the Lord thy God who brought thee out of the land of Egypt” (Ex. xx. 2); and “Hear, O Israel, the Lord thy God is one Lord” (Deut. vi. 4)—so also the precept of hope in the first giving of the law was in the form of promises attached to the second and the fifth commandments. For he that promises rewards to the obedient, by that very thing incites them to hope.

But when the law is once imposed, men are urged to observe its preambles, as in Ps. lxii. 8: “O put your trust in Him alway, ye people; pour out your hearts before Him, for God is our hope.”

(1) Nature sufficiently inclines to good proportioned to human nature, but man must be inclined to hope for supernatural good both by promises and by admonitions or precepts. And yet even for that to which natural reason tends,

precepts of Divine law are necessary for the sake of greater firmness in them, and because reason is apt to be clouded by sinful concupiscences.

(2) Prohibition of opposite sins must of course be understood whenever the law in any manner incites to hope or faith.

The same things may be said of fear.

But we must remember the distinction between servile fear, the fear of penalties, and filial fear which springs from love. The first giving of the law did not command fear, but it threatened penalties on the violators of law. (See the Second Commandment.) But filial fear and love are preambles to the acts which the law commands. So it was said (Deut. x. 12), "And now, Israel, what doth the Lord thy God require of Thee, but to fear the Lord thy God, to walk in all His ways, and to love Him?" etc. These are the principles common to the whole law. And this injunction to fear suffices to exclude presumption (its opposite vice).

CHAPTER III.

CHARITY.

§ 1. Charity in general view.

What is charity?

The Lord said (S. John xv. 15), "No longer do I call you servants, but I have called you friends." This friendship is charity. Note the distinction between love of friendship, which is love of *benevolence*, when we so love any one that we wish for his good, and love of *concupiscence*, when we do not seek the good of the things loved, but seek their good for ourselves. Thus one may love wine, or a horse. For it is absurd to say that one has friendship for wine or for his horse (except by a sentimental personification).

But benevolence alone is not sufficient for friendship; a certain *mutual affection* is requisite also; each loves the other (S. John xiv. 21: "He that loveth Me, shall be loved by My Father, and I will love him"). But such mutual benevolence is founded on some fellowship. And such communion there is between man and God, according as He communicates His blessedness to us (1 Cor. i. 9). Love founded on this communion is charity, a certain friendship between man and God.

(1) Charity is now imperfect, because although our spiritual "conversation is in heaven," yet it is very imperfect.

(2) If this definition is correct, how, then, can one have charity for his enemies? I answer that friendship may extend to any one on his own account, in which way it can reach only our friends. But friendship may also extend itself to another in respect of some other person. If one loves

another man, on account of that love he loves what pertains to him, as his children or servants. And the love of a friend can be so great, that for the sake of that friend those who pertain to him are loved even though they offend us or hate us. And after this manner the love of charity may extend even to enemies, whom out of charity we love in their relations to God, to whom is chiefly directed this love of charity. In this way it is possible that sinners be loved.

Is charity an infused habit in the soul (or is it simply the operation of the Holy Ghost in and through the soul) ?

The motion of charity does not so proceed from the Holy Ghost moving the human soul that it is only moved and is in no way the principle of that motion, like an inanimate body propelled by external force. For that is contrary to the idea of the voluntary which has its principle in itself. For it would follow that loving is not voluntary, which implies contradiction, since love is essentially the act of the will.

In like manner, also, it cannot be said that the Holy Spirit moves the will to love, as an instrument is moved, in which, although it is the principle of action, is not found the power to act and not to act. For so also would be taken away the idea of the voluntary, and the notion of merit would be excluded, which has its ground in charity.

But if the will is moved to love by the Holy Ghost, still it is necessary that that will produce the act of love. But no act is perfectly produced by any active power unless it proceed also from some "connatural" habit which is the principle of that action. Hence God, who moves all things to their due ends, has given individual things their special nature (*forma*), by which they are inclined to the ends pre-appointed by Him. But it is manifest that the act of charity exceeds the natural power of the will. Unless, therefore, some thing (*forma*) be superadded to the natural power, through which it may be inclined to the act of

love, that act would be more imperfect than natural acts and the acts of the other virtues, nor would it be easy and pleasurable. But this is manifestly not the case ; for there is no other virtue which has such an inclination to its act as charity has, and none which acts so pleasantly. Hence it is most necessary for the act of charity that there be in us some habit superadded to the natural power, inclining it to the act of charity and making it to operate promptly and pleasantly.

Charity is a special virtue, one virtue in all cases.

Let us turn back. Human acts, as we have seen, are good according as they are regulated by due rule and measure. Therefore human virtue, which is the principle of all good acts, consists in attaining to that rule and measure, which, in the case of the moral virtues, is human reason, and, in every virtue, is God Himself. Hence, since charity attains to God because it unites us with God, it follows that it is a virtue. It is a special virtue, because, while the primal object of all love is the good, Divine good in itself, the object of beatitude is a special good ; and the love of this, which is charity, is a special love. And it is one in all cases, because the end, the Divine goodness, is one. Love of the brethren is a special application of this one charity, because they are loved on account of God, who is the principal object of the love of charity.

Why does S. Paul say (1 Cor. xiii. 13), " The greatest of these is charity " ?

The theological virtues which consist in attaining the highest rule of action, which is God, because their object is God, are more excellent than the moral or intellectual virtues which consist in attaining to the rule of human reason. And among those theological virtues, that is chief which most attains to God. But faith and hope attain to God as from Him comes to us the knowledge of the true, or

the acquiring of the good. But charity attains to God as He is in Himself, not as something comes to us from Him. Therefore it is more excellent than faith and hope, and consequently than any other virtue.

(1) But is not intellect higher than will which it directs? And, if so, is not faith, the virtue of intelligence, more excellent than charity, the virtue of the will? But I answer that the intellectual operation finds its completion as the thought is in the thinker. And the nobility of intellectual action is measured by the degree of understanding. But the operation of will is perfected in the inclination of the soul to something as its terminus. Therefore the dignity of that inward action depends on the thing which is its object. But those things which are inferior to the human soul are in it in a nobler manner than they exist in themselves (a noteworthy proposition). But the things which are above the soul exist in a nobler way in themselves than they are in the soul. Therefore the knowledge of things below us is nobler than the love of them (Nic. Eth., vi. 7 and 12). But the love of things above us, and especially of God, is better than intellectual knowledge of them. Therefore charity is more excellent than faith.

(2) The object of hope and of charity is, indeed, the same. But charity implies union with that good, while hope implies some distance from it. Charity does not regard that good as difficult, as hope does. Where union is already accomplished, the idea of difficulty is vanished. Therefore charity is more perfect than hope.

Can any true virtue exist without charity?

Virtue is directed to the good. But the good is principally the end, for the means are called good only with reference to the end. But there is an ultimate end and a proximate end; the one universal, the other particular. The ultimate and principal good of man is the fruition of God (Ps. lxxiii. 28)—“it is good for me to draw near unto

God ;" and man is directed to this by charity. But the secondary and particular good of man can be two-fold ; one which is truly good, as ordainable for the chief good which is the ultimate end ; but another is apparent, not true good, which draws one off from the final good. Speaking simply, then, true virtue is that which is ordained for the principal good of man ; and so no true virtue can exist without charity.

But if virtue be considered as directed to some particular end, some such virtue, ordained for some particular good, can exist without charity. But if that special good is not true, but only apparent, the virtue directed to that will not be true virtue at all, but only a false similitude of virtue. Thus the prudence of avaricious traders, devising various "speculations," is not true prudence ; their justice, treating others fairly through fear of grave losses by unfair dealing, is not true justice ; and their temperance, avoiding extravagant expense, is not true temperance, etc.

But if the special good be truly good—say, the preservation of the republic or anything of that kind—there will be true virtue indeed, but imperfect if it is not referred to the final and perfect good.

(1) But it is the property of virtue to produce a good act ; and yet one who has not charity may found a hospital or an orphan asylum. I answer that the act of a man who has not this supernatural charity may belong to either one of two kinds. His act may be connected with his want of charity. Even if he found an orphan asylum, he may ordain it to the end of his infidelity (Girard Orphan Asylum, Philadelphia). Such act is always evil ; the act of the unbeliever as such is always sin (S. Aug., *Contra Julianum*, iv. 3).

But there can be an act of one who lacks charity, which does not spring from this want but from some other gift of God, as faith, or hope, or some natural good which is not

totally taken away by sin. In this way some act can be morally good in its kind without charity, which is not perfectly good, because it lacks due relation to the ultimate end.

(2) It is objected again, that charity cannot exist without faith; but infidels may be faithful husbands, honest merchants, and so on. But I reply that in such case is not found simply perfect virtue in its kind, because the action is not ordained for its due end. (The man has a natural gift of chastity or justice, but he does not live as a child of God.) Charity ordains the acts of all the other virtues to their ultimate end. It gives their proper form to those acts.

§ 2. Charity in subjective view.

Charity is not an emotion of the sensitive soul, but is a virtue of the will.

The object of both is the good, but in different manner. For the object of sense-desire is the good apprehended by sense, but the object of spiritual desire is the good apprehended by the reason. Now the object of charity is Divine good, which is apprehended by reason only. Therefore the subject of charity is the human will. (Emotional love is not, as such, the love of charity.)

The will is rational, indeed, but reason is not the rule of charity; it exceeds the rule of human reason.

Charity is an infused virtue.

Charity is a certain friendship between man and God, founded on the communication of eternal beatitude. But this communication is not due to natural gifts, but is a gift of grace. "The free gift of God is eternal life" (Rom. vi. 23). Hence, charity itself exceeds our natural powers, and can neither be in us by nature nor acquired by natural powers, because natural effects do not transcend their cause. Charity is in us, then, through an infusion from the Holy Ghost, who is the mutual love of the Father and the Son. "The love of Christ hath been shed abroad in our hearts

through the Holy Ghost which was given unto us" (Rom. v. 5).

(1) Divine good is naturally loved by all; but this love is founded on the communication of natural goods, while charity springs from a supernatural communication.

(2) God is in Himself lovely in the highest degree, inasmuch as He is the object of beatitude. But it does not follow that He is so loved by us, because our affections are drawn to visible goods.

(3) The preparation for charity on man's part is indicated by the apostle (1 Tim. i. 5), "Love out of a pure heart, and a good conscience, and faith unfeigned."

Charity is not given according to each one's natural condition, or natural capacity,

but according to the good pleasure of the Holy Ghost distributing His gifts (1 Cor. xii. 4), for it exceeds human nature's proportions.

Charity in this life, "charitas viæ," can be increased.

As we advance in the Christian life, we draw nearer to God through the affections of the soul. But charity, in uniting the soul to God, produces this nearness. If it could not be increased the progress of the Christian life would be stopped. Not that more things are loved, but in the intensity of its act God can be loved more. Thus it has greater efficacy. The subject of charity participates more in it.

The act of charity may be a preparation for increase of charity, inasmuch as from one such act man is rendered more prompt to act again in the same way, and, ability increasing, he is more fervent in love, by which he seeks advancement in this supernatural gift.

Has "charity of the way" any assignable limit?

Limit may be found in the nature of the quality limited,

We cannot love the brutes with the love of charity, because there can be no proper union of life with them, much less the communion of eternal beatitude.

But still they can be loved out of charity, as good things which we wish others to have ; *sc.*, that they may be preserved for the honour of God, and the utility of men.

Ought man to love himself out of charity ?

Of course we cannot properly speak of friendship with one's self, but the unity of self is the type of union with another ; the love of self is the pattern and root of love of another. For we have friendship for others when they are a sort of second self. But we can speak of charity according to its proper idea, as principally the friendship of man with God, and, consequent on that, with what belongs to God. Among which things is also the man who has charity. And so among the things which he loves out of charity as pertaining to God, he may love himself with the love of charity.

Evil men in the last days will be "lovers of themselves" (2 Tim. iii. 1), but this self-love is according to our sensuous nature, which is not truly loving self according to our rational nature and wishing for self those good things which pertain to the perfection of reason, which love in the highest degree pertains to charity.

Our bodily nature is from God, and shares in those works by which we may arrive at the perfect fruition of God.

Some beatitude reaches to the body ; *sc.*, vigour of health and incorruption. Therefore, because the body is to be a participator in beatitude, it can be loved with the love of charity.

When the apostle desired to be freed from "the body of this death" (Rom. vii. 24), and "to depart and be with Christ" (Phil. i. 23), he did not shrink from communion with his body as respects the bodily nature. He wished to

be free from the infection of concupiscence, which remains in the body, and from its corruption, which loads down the soul from seeing God ; and so he expressly called it "the body of this death."

Are sinners to be loved out of charity ?

We may consider either their nature or their sin. According to the nature which they have from God they are capable of beatitude, on the communion in which charity is founded ; and, therefore, according to their nature they are to be loved out of charity. But their fault is opposed to God, and is an impediment of beatitude. Hence, according to their sin, by which they are adversaries of God, all sinners, even father and mother and nearest relatives, are to be hated (S. Luke xiv. 26). For sinners we ought to hate because they are sinners, and to love because they are men, capable of beatitude ; and this is the true love of charity, for God's sake.

(1) David said, out of charity, "I hate them that imagine evil things" (Ps. cxix. 113). But hating the evil of any one is all one with loving his good.

(2) But sometimes just men do not exhibit to sinners the works of love ; on the contrary, they seem to act out of hatred ; as the Psalmist said (Ps. ci. 11), "I shall soon destroy all the ungodly that are in the land." But the kind deeds of friendship are not to be withheld from sinful neighbours as long as there is hope of their amendment, but aid for their recovery is to be afforded much more than for loss of money, since virtue has more to do with friendship than money has. But when they fall into the greatest malice, and become hopeless in their sin, then the familiarity of friendship is not to be exhibited to them. And so sinners of this kind, from whom injury to others is to be expected instead of their own amendment, are sometimes cut off by human and by Divine law. And yet this is done, not out of hatred for them (as human beings), but out of charity,

because the public good is preferred to the life of an individual. And even death inflicted by just sentence may benefit the sinner, if he penitently expiate his fault ; or, if he be not converted, at least his power of sinning further (in that way) is taken away.

(3) What, then, shall we say of the imprecatory Psalms ? (a) They are prophetic denunciations. (b) The desire of the speaker is not referred to the punishment of men as punishment, but to the justice of the One who inflicts the penalty. "The righteous shall rejoice when he seeth the vengeance ;" he shall say, "Doubtless there is a God that judgeth the earth" (Ps. lviii. 9). For even God Himself delights not in the destruction of the wicked, but in His justice. (c) The desire is referred to the removal of the sin, not to the penalty of it in itself.

(4) Charity will not make us will what sinners will, or rejoice in what they rejoice in ; but its aim will be that they may will what better men will, and rejoice with them.

(5) As respects association with sinners out of charity, the weak will avoid it out of fear of the danger of perversion ; but where there is no such occasion for fear, it is laudable to associate with sinners for the sake of their conversion, as the Lord did. Association in the sin is another matter.

Is it essential to charity that enemies be loved ?

The Lord commanded, "Love your enemies" (S. Matt. v. 44). Now, love of enemies may be considered in three ways : (1) That they be loved as enemies ; and this is perverted affection and repugnant to charity, because it is loving the evil which is in another. (2) Love of enemies may be referred to their nature, in a general way, and so it is an essential part of charity ; *sc.*, that one who loves God and his neighbour may not exclude his enemies from that all-embracing love. (3) Love of enemies may be considered in its special application to particular enemies ; *sc.*, that one be moved by a special impulse of love for his individual

enemy. And that is not absolutely essential to charity, since it would be practically impossible that there should be a special impulse of love towards every individual man, woman, and child. And yet, as a preparation of the soul, this is essential to charity, namely, that we be prepared to love our individual enemy, if need should arise. But that, apart from need, man should actually fulfil this and love his individual enemy for God's sake, pertains to the perfection of charity. For since out of charity our neighbour is loved for God's sake, the more we love God, the more we show love to our neighbour, no enmity impeding us from love; just as, if one should love any man, he would love his children, even though they were personal enemies.

Charity, indeed, does not destroy nature, and each thing naturally hates what is contrary to itself, as contrary to it. But enemies as such are contrary to us, and this we ought to hate in them; it ought to displease us that they are enemies. But they are not opposed to us as men and capable of beatitude. In this regard we ought to love them.

Is it necessary to salvation that one show signs and effects of love towards his enemy?

The Lord said (S. Luke vi. 27), "Do good to them that hate you," which precept pertains to the perfection of charity ("Be ye therefore perfect, as your Father in heaven is perfect"). But that which pertains to the perfection of charity is not a necessary part of it. Note, then, that the effects and signs of charity proceed from inward love and are proportioned to it. Inward love of our enemy in a general way is an absolutely necessary part of charity, but in special application, only according to the preparation of the soul; I mean, as above, that we must be ready to love our individual enemy as need may occur. The same thing is to be said of showing outwardly the effects and signs of love. There are certain signs or kind deeds of love which are

exhibited to every neighbour, as when one prays for all the faithful, or for all the people, or when one bestows some benefit on the whole community. Such benefits or signs of love must be exhibited to enemies. This is an obligation of charity. For if they were not so exhibited, there would be a revengeful spirit (mortal sin, and against charity). But there are certain benefits or signs of love which one gives to special friends. It is not essential to salvation that such be offered to enemies, except that we must be ready to do so in case of need. "If thine enemy hunger, feed him; if he thirst, give him drink" (Rom. xii. 20). But that, apart from necessity, one exhibit benefits of this kind to his enemies, pertains to the perfection of charity by which one not only avoids being "overcome of evil," which is necessary, but also aims to "overcome evil with good," which belongs to perfection. He not only avoids being drawn into hatred on account of the injury done to him, but also through benefits he aims to draw his enemy into loving him.

§ 4. The order of charity.

Charity tends towards God as the source of beatitude, and, therefore, there is an order in charity depending on the relation of other things to the first principle of this love, which is God.

Is God to be loved more than our neighbour?

(Note that this love is esteem, not necessarily intensity of love.) Every friendship chiefly regards that in which is chiefly found the good in whose communication the friendship is grounded. But the friendship of charity is grounded on the communication of beatitude which essentially is in God, from Him derived to all who are capable of it. God, therefore, is to be loved in the first place, as the cause of beatitude; but our neighbour, as participating along with us in that beatitude so derived. And the Lord said (S. Luke xiv. 26), "If any man come to Me, and hate not his

father and mother—he cannot be My disciple.” Neighbours, then, are to be hated if they lead away from God—*i.e.*, God out of charity is to be loved more than they.

(1) But S. John says (1 Ep. iv. 20), “He that loveth not his brother whom he hath seen, how can he love God whom he hath not seen?” Sight is the cause of love as a medium of acquiring it. Not that anything is lovely because it is visible, but because through vision we are led to love. Not that that which is more visible is to be more loved, but it is the first to meet our love. So argues the apostle. For our neighbour is the first object which meets our love, and if any one love not him, it may be argued that he does not love God, not because his neighbour is more worthy of love, but because he is its first object.

(2) Likeness is cause of love, and there is greater similitude between man and man than between man and God. But the latter is prior, and the cause of the former. Participating from God in that which our neighbour also has from Him, we are made like our neighbour. This, therefore, is an argument for loving God the most.

(3) But is not God loved in our neighbour? Yes; but our neighbour has not that goodness which is the ground of love essentially, but only by participation. (Inferior goodness is the reason for inferior love.)

Should man out of charity love God more than he loves himself?

We can receive two goods from God—the good of nature, and the good of grace. On the communication of the first is founded natural love, by which not only man in his sound, natural condition loves God above all things, but so does also every creature after its manner, tending to the common good of the whole, rather than to its own individual good.

Much more is this true in the love of charity, which is founded on the communication of the gifts of grace.

Therefore, man ought to love God, who is the common good of all, above himself, because beatitude is in God, as in the common fount, for all who can participate in it.

(1) It may be asserted that anything is loved as being one's own good, and therefore self, which is the cause of the loving, is more loved. And it is true that the part loves the good of the whole, according as that good is convenient for itself; but yet it does not refer that good of the whole to itself (selfishly), but it refers itself to the good of the whole.

(2) Again, it may be said that in loving the fruition of God one loves himself, since this is the highest good which one can wish for himself. But love of desire is not love of friendship, and towards God the latter is greater than the former, because greater is the good which He is, than the good in which we can participate through eternal joys.

Should man out of charity love himself more than he loves his neighbour?

The Lord said (S. Matt. xxii. 39), "Thou shalt love thy neighbour as thyself." Love of self, then, is the exemplar, the pattern, of love for our neighbour. But the pattern is more than that which is patterned after it. Therefore, man should love himself more than he loves his neighbour. Man is said to love himself, because his spiritual nature is the object of his love (see page 48). And after this manner man ought to love himself the most after God. Consider the very idea of this love. God is loved as the source of good on which is founded the love of charity. But man loves himself out of charity, as he is a participator of that good, but his neighbour is loved as an associate in that good. But such association is the reason of love according to a certain union in relation to God. But unity is more powerful than union, and that man himself participates in Divine good is a more potent reason for loving than that another is associated with him in that participation. And a further

proof that man ought to love himself more than his neighbour is that man ought not to incur any sin (even the slightest venial sin) which is a hindrance to the participation of beatitude, in order to deliver his neighbour (or any number of neighbours) from sin.

(1) A man ought to bear corporeal losses for his neighbour, but in this very thing he spiritually loves himself more, because this pertains to the perfection of virtue, which is a spiritual good.

(2) Why, then, is it said that "Charity seeketh not her own"? (1 Cor. xiii. 5). Because, I answer, she seeks the common good, preferring that to her own proper good.

Ought man to love his neighbour more than his own body?

That is to be more loved out of charity which has more fully the idea of a "lovable object." But association in beatitude, which is the reason for loving our neighbour, is a greater reason for loving than such share of beatitude as indirectly belongs to the body, which is the reason for extending the love of charity to our own body. Therefore, the salvation of our neighbour's soul is more to be loved than our own body.

(1) Our body, indeed, is nearer to our soul than our neighbour is; but as regards the participation of beatitude, his soul is nearer ours than our own body is.

(2) But, it is said, each one exposes that which he loves less, for that which he loves more, and every man is not bound to expose his own body for the safety of his neighbour, for this belongs to the perfect in charity, as the Lord said (S. John xv. 13): "Greater love hath no man than this, that a man lay down his life for his friends." But I answer that every one has the care of his own body, and every one has not the care of his neighbour's salvation, except in case of necessity. Therefore, it is not essential to charity that one offer his body for the salvation of his neigh-

hour except where he is bound to provide for it. That he should freely offer himself pertains to the perfection of charity. (Every one is bound by charity to succour his neighbour in extreme spiritual necessity, even with certain peril of death, if there be hope of benefit thereby.)

It is plain from this that those who have the cure of souls are bound to run any risk of pestilence, etc., for the grave spiritual necessity of those under their charge. But where there is no official duty, charity may gain for one a double reward.

Are all neighbours to be loved equally ?

Some have said that all are to be equally loved inwardly out of charity according to the affection of the heart, but not as regards outward effects of it ; that greater benefits are due to those who are nearer. But this is a mistake. For the inclination, whether of nature or of grace, is proportioned to the things which are to be done through it. We must have intenser affection of charity to those whom we ought to benefit the more. According to the affection of the soul one neighbour is to be loved more than another. And the reason is that since there are two principles of love—viz., God, and the one who loves—love necessarily varies according to the propinquity of the one who is loved to one or other of these two principles.

Again, the degree of love is to be measured by the gravity of sins against love. But he sins more grievously who acts against the love of some neighbours than he who offends against others. And the Old Law says (Lev. xx. 9), “ He that curseth father or mother shall be put to death.” This is not commanded against all who curse others. Therefore we ought to love some neighbours more than others.

(1) In one way all are to be loved equally, viz., that we desire eternal beatitude for all ; but equal intensity of love is not due to all alike. Inequality in beneficence, also, must be observed, because we cannot do good to all. But

in good-will such inequality has no place. We can wish equal beatitude for all, though not with equal intensity of love.

(2) Some also are nearer to God through greater goodness, and such are to be more loved for that reason.

Ought we to love our relatives more than better men?

S. Paul seems to say so, when he says (1 Tim. v. 8), "If any provideth not for his own, and specially his own household, he hath denied the faith and is worse than an infidel." Love, like every activity, takes its specific character from its object, but its intensity from the one who loves. But the object of the love of charity is God; the one who loves is man. Therefore the specific diversity of love of charity which distinguishes it from natural emotion depends on the loving our neighbours in relation to God; *sc.*, that out of charity we will greater good for him who is nearer God. For although that good is one in itself, *viz.*, eternal beatitude, still it has different grades in the diverse participation of it. And it pertains to charity to desire that the justice of God bear rule, and that the better participate more perfectly in beatitude.

But the intensity of the love depends on the one who loves, and charity more intensely desires good for those who are nearest than it desires greater good for better men.

Again, out of charity I can wish that he who is conjoined to me by earthly bonds be better than another, and so attain to higher beatitude. Again, out of charity we may love in various ways those united to us by earthly bonds. For with those not so conjoined we have only the friendship of charity; but with relatives, we have other kinds of friendship. But when the good on which that other friendship is founded is ordained to the end of charity, charity itself may command the act of that other friendship (*e.g.*, love of man and wife). Thus the loving another because he is a blood-relation or united otherwise, or because

he is a fellow-citizen, may be commanded by charity ; and so from charity both eliciting and commanding in various ways, we love those united to us more than better men.

(1) But there may be grounds of hating in some manner those connected with us (S. Luke xiv. 26), whereas the good can in no way be hated. I reply that we are not bidden to hate those nearest to us because of their connection, but as they keep us away from God ; so far they are enemies, not relatives (Mic. vii. 6).

(2) But God loves more those who are better, and charity makes us most like to God. I answer, yes ; in due proportion—viz., that man shall be so related to what is his, as God is related to what is His. And some things charity may lead us to will, as suitable for us, which God does not will, because it is not holy and righteous that He should will them.

(3) But by natural affection we love more those who are more closely united to us, as parents and children ; whereas charity is founded on the communion of beatitude, in which better men have the larger share. Yes ; but charity not only elicits the act of love according to the character of its object, but also according to the state of the one who loves.

Should kindred be loved the most ?

It has been shown that out of charity those who are more united to us are to be loved more, both because they are loved more intensely, and because they are loved for more reasons. The intensity depends upon the union. And therefore the love of diverse persons is to be measured according to the diverse nature of the union ; each one is to be loved more in that which pertains to the fellowship according to which he is loved. And love is to be compared with love, as fellowship is compared with fellowship. Thus, then, the friendship of kindred is founded on common origin, but that of fellow-citizens on civil communion, etc. And therefore in those things which pertain to nature, we

ought more to love our kindred ; but in those things which pertain to civil life, our fellow-citizens, etc. But if we compare one fellowship with another, it is evident that natural kinship is prior and more permanent ; but other unions supervene on that and can be removed. And therefore love of kindred is the more lasting ; but other friendships can be more potent in that which is proper to each of them.

(1) But friends are made by free choice and judgment. Yes ; and therefore such friendship preponderates where we have our choice in what we are to do along with them. But kinship is more stable, since it exists by nature and prevails in that which belongs to nature. We are more bound to assist kindred in need than we are to aid near friends.

(2) If spiritual children have higher claims as regards the communication of grace, children by nature have higher claims for bodily assistance.

And note that in the Decalogue parents are named as the nearest by blood, and therefore the nearest in affection.

(Looking at love objectively, S. Thomas finds ground for loving a father above a child ; but subjectively—i.e., on the side of the one who loves—he reverses this view. Also he places father above mother in the order of filial love.)

Should a man love his wife more than father or mother ?

S. Paul (Eph. v. 28) says that husbands ought “ to love their wives as their own bodies.” But a man ought to love his neighbour more than his own body, and parents are nearest neighbours. So it might be argued that parents are to be loved more than wife. This needs examination. The degree of love depends, on the one hand, on the idea of the good ; on the other, on the degree of union with the one who loves. According to the first, parents are to be more loved, because the good in the parental relation is preëminent. But according to the second, the wife has the prefer-

ence, for husband and wife are "one flesh" (S. Matt. xix. 6). We conclude that the wife is to be loved more intensely, but greater reverential love is due to parents.

But why do the Scriptures say that a man "shall leave father and mother" for his wife? (Gen. ii. 24.) This is said of cohabitation, not of abandonment in all respects, for in certain respects a man's first duty is still to his parents.

The word "as" in Eph. v. 28 is not an adverb of equality, but it gives the reason for the love of her who is most closely conjoined to one's self.

(A similar view is adopted with respect to benefactors and those who receive benefits; the latter have before them the good as the object of love; the former are more closely united to the object of benefaction.)

In the Christian's fatherland God will be first in love, by uninterrupted action. And in that perfect conformity of the human will to the Divine, as regards the good which each wishes for each, the best will be best loved, in the wish that they may most perfectly enjoy the common beatitude. He will be regarded as nearest neighbour who is nearest to God. But self will be most intensely loved, since each one will, first of all, direct all his powers towards God. And this pertains to self-love. (I do not find this clear and satisfactory.—J. J. E.) That provision of love by which each one is bound to succour kindred in their need will cease, and so far the inclination of charity towards them. But still, in the fatherland, one may love his kindred in various ways, for the causes of honourable love will not come to an end. But incomparably above all these reasons for love will be the nearness to God. Nature is not taken away by glory, but perfected.

(Seven acts or effects of charity may be distinguished: first and chief, love; then three internal acts, joy, peace, and mercy; then three outward acts or kind deeds in general; *sc.*, "beneficence," alms-giving, and brotherly correction.

The first four will be abridged from the author's fuller statements.)

§ 5. Love.

Is love (dilectio), as the act or effect of charity, the same as benevolence?

Benevolence, as the word intimates, is the act of the will by which we will another's good. But this, even when founded in judgment, may exist without true love. Spiritual love, as distinguished from the passion in the sense-appetite, implies a union of affections, so that the one who loves regards the one who is loved as in a certain way one with himself or as belonging to himself, which is not implied in benevolence. Love, then, includes the other, but adds to it.

God is to be loved out of charity for Himself alone.

That is, He is the ultimate final cause of all, and there is nothing beyond Him on account of which we may love Him. Again, His goodness is Himself, underived, and the exemplar and source of all goodness in other beings. He cannot, properly speaking, be loved on account of His goodness, because He is goodness. But, again, from other sources the love of God for Himself alone may spring up in the heart; thus He may be loved because of benefits received or rewards promised (1 S. John iv. 19).

How can we "love God with all our heart"? (Deut. vi. 5.)

If we speak of loving God wholly, we may have one of three different things in mind: (1) We may mean that everything which pertains to God is loved; (2) we may mean what is commanded above, that we love God with all our power of love, and ordain all things which fall under our power with reference to that love, both of which we can and ought to do; or (3) we may refer to the object

of love, and speak of loving in a manner adequate to the object of love. This, of course, in this case is impossible. For God's goodness is infinite and infinitely lovely. There is no limit to that love. The more God is loved, the better is that love. There can be no excess in it.

Is it more meritorious to love an enemy than to love a friend?

Remember that God is the ground of our loving our neighbour out of charity. Loving an enemy, then, and loving a friend, may be compared in two ways, either on the side of the neighbour who is loved, or on the side of the reason for loving him. In the first way, the love of a friend is superior because a friend is better and more united with us. Here is a more suitable object for love, and the love is therefore better, as, also, its opposite is worse. For it is worse to hate a friend than to hate an enemy. And since it is better to love the better, and a friend is better than an enemy, so far it is more meritorious to love a friend.

But now, on the other hand, let us consider the reason for loving. First, we see that some other reason than God may produce the love of a friend; but the love of an enemy is due to God only as the reason for it. And, in the next place, even if we suppose that both are loved for God's sake, the love of God is stronger when it extends more widely, even to the loving of our enemies. So that is the hottest fire whose influence is felt the most widely. The stronger love fulfils the more difficult things. But as the fire acts more powerfully on the nearer objects, so charity more fervently loves those who are joined in bonds of love. In this respect the love of friends, considered in itself, is more fervent, and is better than the love of enemies.

Why, then, did the Lord say (S. Matt. v. 46), "If ye love them that love you, what reward have ye?" I answer that the love of friends is there regarded in itself—*i.e.*, their being loved because they are friends, which has

no reward with God. And this seems to be the case whenever friends are so loved that enemies are not loved.

Is it more meritorious to love our neighbour than to love God?

In such a comparison as that, we may consider each love in itself, and so viewed, there is no doubt that the love of God is more meritorious. For the reward is promised to that on its own account. The ultimate reward is the fruition of God, and the Lord said (S. John xiv. 21), "He that loveth Me, shall be loved of My Father, . . . and I will manifest Myself unto him."

But again, in this comparison, we may, on the one hand, consider God as being the only object of love, and compare that with the love of our neighbour, which is for God's sake. Such love includes the love of God, while the love of God did not include the love of our neighbour. That is, perfect love of God, which extends itself to our neighbour, is compared with insufficient and imperfect love. In this sense, the love of our neighbour is superior. For "this commandment have we from God, that he who loveth God, love his brother also" (1 Ep. S. John iv. 21).

But is it not easier, more natural, to love God? And is not the more difficult task of loving one's neighbour therefore meritorious? I reply that the good has more to do with virtue and merit than difficulty has. Not every more difficult task is more meritorious, but only when it is more difficult because it is better.

§ 6. Joy.

Spiritual joy is caused, in the first place, by the Divine good considered in itself; for what we love, we rejoice in seeing to possess its proper good. Or, again, the joy is caused by the participation of that Divine good, the presence of that which is loved in the soul. The first is better, and the special effect of charity. If what is loved were

altogether absent, sorrow would be the effect of charity; but there is a presence through grace, which is the cause of joy. The Lord said, indeed, "blessed are they that mourn," etc. But this mourning for what is opposed to the loved good has the same ground with the joy in that good itself.

The Divine good considered in itself is the cause of the unmingled spiritual joy of charity (Phil. iv. 4); but that joy which results from participation in that infinite good can be mingled with sorrow, because that participation can be impeded either in ourselves or in our neighbour, whom we love as ourself.

The plenitude of joy cannot be looked for in this life, for desire always continues, seeking to draw nearer to God through grace. And so long as desire is not fully satisfied, the rest of spiritual joy in all its perfection is not attained.

We must not regard joy as a separate virtue, but as an act, an effect, or a fruit of charity. And it is the subject of Divine precept because it is an act of charity.

§ 7. Peace.

Peace is more than concord. It embraces that and more besides. Wherever peace is found, there is concord; but concord may be found where peace does not exist. For concord is relative to others; it means the harmony of diverse wills agreeing with one consent. But the heart of one man also is distracted, both by the conflict of diverse desires (Gal. v. 17, "The flesh lusteth against the spirit"), and by the same desire seeking for diverse objects which cannot be at once possessed. But there must be inward as well as outward harmony to constitute that peace of which we now are speaking.

Wars and dissensions are not sought for as an ultimate end, but as means for a more perfect peace.

This inward and outward peace is the effect of charity; for when God is loved with the whole heart, and all things

are referred to Him, there is inward harmony of all desires. And when our neighbour is loved as ourself, his will is sought for as our own. Friends will the same things.

This outward peace does not, in this life, where there is imperfect knowledge of the truth, imply perfect concord of opinions, but only concord in the chief goods of our spiritual life. Dissension, then, in little things and in opinions, like that of SS. Paul and Barnabas (Acts xv.), is not repugnant to the peace of charity. For opinions pertain to judgment, which precedes desire. It is the latter where the concord is to be sought for. Again, where there is concord in the chief goods, dissension respecting trifles is not contrary to charity, for that dissension comes from diversity of opinions, where one judges the matter of dissension to pertain to the good in which all agree, while the judgment of the other holds the contrary opinion. Such dissension is opposed to the perfect peace of fatherland, not to the imperfect peace of the pilgrims thither (*in via*).

We must not regard peace as a separate virtue, but as the act, effect, or fruit of charity. And as such act it is commanded by the Lord (S. Mark ix. 50).

§ 8. Mercy and pity (*misericordia*).

These are compassion for the evil which another is suffering, especially when he suffers without his own fault. But compassion may embrace even sinners, not as regards the voluntary sin, for pity concerns the involuntary evil, but as fault has attached to it that which is involuntary. So the Lord had compassion for the multitude (S. Matt. ix. 36).

He that loves, regards his friend as a part of himself, and his friend's evil as if it were his own.

He "rejoices with them that rejoice;" and he "weeps with them that weep" (Rom. xii. 15). Anger and pride

oppose this virtue, because the first lifts above the apprehension of evil; the other, because it leads to contempt of others, and to the notion that they suffer worthily.

Is mercy a special virtue?

Pain at another's trouble may be a passion of the sensitive nature. But, again, it may be an emotion of the higher intellectual soul, as the evil of another is displeasing to us. And this motion of the soul can be regulated by reason, and so can govern the brute passion of pity. Hence, S. Augustine says (Civ. Dei, ix. 5) "that emotion of the soul is obedient to reason when mercy is shown in such a way that justice is preserved, whether help is given to the needy, or pardon to the penitent." And since virtue consists in governing the motions of the soul by reason, such mercy is consequently a virtue.

(1) It is the sentiment of compassion in the emotional soul which may impede justice.

(2) The sentiment of vengeance and compassion are two contrary passions, each of them laudable in its place, the one pained at unworthy suffering in another, the other pleased at suffering which is due, and pained at the prosperity of the unworthy.

(3) Mercy is a special virtue, because it adds a new idea—*sc.*, the sorrow which is compassionated.

Is mercy the highest of virtues?

In itself it is so, because it spreads abroad to others, and, still more, it supplies the defects of others. Hence it is the peculiar property of God, and in it His omnipotence is specially manifested. But if we look, not at the thing in itself, but at him who has it, mercy is not the highest virtue unless he who has it is highest, having none above him. For if one has a superior, it is greater and better to be united to that superior than to supply the defects of an inferior. Charity, therefore, by which man is joined to God is more

than mercy. But mercy is chief among the virtues which regard our neighbour.

(1) God “desires mercy and not sacrifice” (Hos. vi. 6), because outward gifts and sacrifices are ordained not on His account, but ours and our neighbour’s. For He does not need our sacrifices, but He wills that they be offered to Him for the sake of our own devotion and for the benefit of our neighbour. Therefore mercy, which supplies the needs of others, is the most acceptable sacrifice, since it comes nearer to the benefit of our neighbour. “To do good and to communicate, forget not; for with such sacrifices God is well pleased” (Heb. xiii. 16). “But above all these things, put on charity, which is the bond of perfectness” (Col. iii. 14).

(2) Mercy is the sum of the Christian religion as respects its outward manifestation; by it we are assimilated to God in His operations, for “His mercy is over all His works,” and the Lord says: “Be ye therefore merciful, as your Father is merciful” (S. Luke vi. 36); but higher is the inward affection of charity by which we are united to God and assimilated to Him.

§ 9. Beneficence.

How is beneficence the outward act of charity?

Doing good to another may come under the idea of paying him his due; it is then an act of justice. It may come under the idea of relieving misery or defect; it is then an act of mercy. But it may also come under the general idea of the good, and so it is an act of friendship, of charity. For in the act of love is included benevolence, by which we will good to our friend. But will accomplishes its purpose if it have the power to do so. Therefore, beneficence follows from the act of love.

But it is the act of charity from him who is in some way superior. Therefore, it is God’s act of love towards us, not ours towards Him (but ours towards our brethren).

"As we have opportunity, we must do good to all men"
(Gal. vi. 10).

Beneficence proceeds from the superior to the inferior; but the grades among us are not immutable, for men can suffer manifold defects, and he who is superior in one respect may be inferior in another. And, therefore, since the love of charity extends to all, beneficence must be prepared to extend to all according to place and season. For all acts of the virtues are limited by their due circumstances.

(1) In practice, it is not possible to do good to all; and virtue does not demand the impossible. But still there is no one who may not at some time, or place, or in some way, have a special claim on beneficence, and charity requires at least the preparation of soul to do good when opportunity presents itself, and the prayer of charity embraces all.

(2) Sinners are not excluded, for they have their claim as men, which is to be met, without coöperating in their sin.

(3) The same remark applies to enemies of the church or the state. Benefits are withdrawn in order that, if possible, they may be restrained from their fault. But in case of grave necessity, help is to be given under due restrictions, unless, in the latter case, they are suffering the penalties of just law.

Do we owe most beneficence to our nearest neighbours?

Grace and virtue imitate the order of nature, which is instituted by Divine wisdom. But in that order of nature every natural agent diffuses its action first and most energetically to those things which are nearest to it, as the fire warms most what is closest to it. But the bestowing of benefits is an action of charity towards others, and, therefore, it must be most shown to those who are most near. But the nearness of one man to another depends on the various things in which men communicate with one another

—kinship, citizenship, fellowship in spiritual things, etc. And according to these diverse fellowships diverse benefits are to be dispensed, to each one that benefit which pertains to his relationship to us. Yet this will be varied according to the diversity of places, times, and other circumstances. For in some cases the stranger in extreme necessity has higher claim than even a parent who has no such need.

(1) But the Lord said (S. Luke xiv. 12), "When thou makest a dinner or a supper, call not thy friends, nor thy brethren, nor thy kinsmen, but bid the poor," etc. Yes; but the Lord did not simply prohibit the inviting of friends or kinsmen, but the doing it for the sake of a return in kind, which is not charity but cupidity. Still it can happen that strangers have the first claim on account of greater need. *Cæteris paribus*, the nearer are to be benefited first. But if, in the case of two persons, one is nearer and the other more needy, no universal rule can determine who is first to be aided, because there are various degrees of propinquity and of need. This requires prudent judgment.

(2) But debts are to be paid before gratuitous benefits are conferred; therefore benefactors have the preference over neighbours (by kinship, etc.). I answer that there are two kinds of debt; one, which is not to be counted among the goods of him who owes, but rather among the creditor's goods, say, if one has another's property which has been stolen from him, or which is a loan, or a deposit, or anything of that nature. A man has first to restore this debt, rather than to do good out of it to those who are connected with him, unless perhaps there should be grave necessity, in which case it would even be lawful to take another's property in order to relieve the immediate want. But even in this case the condition of each in other respects would have to be prudently considered, and no universal rule can be laid down for the infinite variety of cases.

But there is another debt which is reckoned among the goods of him who owes it, due not from necessity of justice,

but from a kind of moral equity, as in the case of benefits freely received. But no benefactor as such is equal to parents. Therefore parents, in the recompensing of benefits, are to be preferred to all others, unless grave necessity should give the preponderance to the other side, or some other condition should do so, say, the common utility of the Church or the republic. But in other cases estimation is to be made of the benefaction and of the propinquity, and no general rule can be laid down which will determine each particular case.

Note that beneficence is not a virtue distinct from charity, but is one of those outward acts of charity which are commanded (S. Matt. v. 44).

§ 10. Alms-giving.

Is alms-giving an act of charity?

Outward acts are referred to that virtue to which pertains the motive for those acts. But the motive for alms-giving is the relief of suffering and need. Hence it may be defined as the giving to the needy, for God's sake, out of compassion. Now this motive pertains to mercy, which is the effect of charity. Consequently, alms-giving is an act of charity, through mercy.

(1) But S. Paul said (1 Cor. xiii. 3), "Though I bestow all my goods to feed the poor, and have not charity, I am nothing," which implies that alms-giving is not the work of charity. But I reply that a thing done may be outwardly a virtuous act, when the virtue itself does not exist; as doing just things is an act of justice, which may be done out of natural temperament, or fear of consequences, or hope of getting some advantage (acts "materially" just).

But in another way acts are inwardly virtuous ("*formaliter*"), as it is the act of justice to do just things in the manner in which the just man does them—*sc.*, promptly and with pleasure; and in this way the virtuous act cannot exist without the virtue. To give alms, then, as an outward act, simply, can be without charity; but true alms-giving

—that is, for God's sake, pleasurably, and promptly, and in all other respects as one ought to do—cannot be without charity.

(2) The proper act elicited by one virtue may be attributed to another which commands it, and ordains it to its own end. So the prophet Daniel presented alms-giving as a work of satisfaction in the penitent, saying (Dan. iv. 27), “Redeem thine iniquities by showing mercy to the poor.” And the Epistle to the Hebrews (Heb. xiii. 16) speaks of alms-giving as an act of worship towards God : “With such sacrifices God is well pleased.”

S. John is conclusive (1 Ep. iii. 17), “Whoso hath this world's goods and seeth his brother have need, and shutteth up his compassion from him, how dwelleth the love of God in him ?”

The corporal works of mercy

are well distinguished as seven in number : to feed the hungry, to give drink to the thirsty, to clothe the naked, to entertain the stranger, to relieve the prisoner, to visit the sick, and to bury the dead. Seven, likewise, are the spiritual works of mercy ; viz., to teach the ignorant, to counsel the doubting, to console the sorrowful, to correct the erring, to forgive the offender, to bear the infirmities of the weak, and to pray for all.

Compare the corporal and spiritual works of mercy.

In themselves the spiritual have the preëminence, for three reasons : (1) That which is given is a nobler gift, because it is spiritual ; (2) it is a nobler thing to benefit the soul, the higher part of man ; for as a man ought first to provide for his own soul, so in the case of his neighbour whom he loves as himself ; (3) the acts themselves are nobler acts. But, on the other hand, there may be some particular case in which some corporal work of mercy is preferable to some spiritual act, as feeding a man who is

dying of famine is better than teaching him (preaching to him). So it may be with some other very needy man.

(1) It may be true, in some cases, that there is more recompense for spiritual works of mercy, but this does not detract from their praise and merit, if it be not the aim. So human glory is no detraction from the merit of virtue, if it was not the motive for action.

(2) It is true, also, that the needy is likely to be more grateful for corporal mercy, and so there is more consolation for him in such acts. But merit does not depend on that in which the will of him who receives help actually rests, but rather on that in which he ought rationally to rest.

Have the corporal works of mercy a spiritual effect?

We may consider them in three ways: (1) In their substance; and so, of course, they have only material effect, in supplying the corporal needs of our neighbour. (2) But we may consider also their cause, the love of God and our neighbour. So viewed, they have spiritual fruit. "Give alms of thy goods, and never turn thy face from any poor man, and then the face of the Lord shall not be turned away from thee" (Tob. iv. 7). (3) We may consider their effect; and so they have spiritual fruit if the one who is succoured prays for his benefactor.

(1) But it is the sin of simony to try to purchase spiritual good. Yes; but he who gives alms does not intend to buy heaven, because he knows that spiritual blessings are infinitely more valuable than his gifts; but he aims through charity to merit spiritual good.

(2) The widow in the Gospel (S. Luke xxi. 1), in giving more according to her proportion, showed greater charity, from which the corporal works of mercy derive their spiritual efficacy.

Are corporal works of mercy obligatory?

That question is answered in the twenty-fifth chapter of

the Gospel of S. Matthew. For some are punished with eternal penalty for the omission of the corporal works of mercy. The love of our neighbour is commanded ; therefore all things without which that love cannot be preserved fall under the precept. But it pertains to that love not only that we will our neighbour's good, but also that we effect it. "Let us not love in word and in tongue, but in deed and in truth" (1 Ep. S. John iii. 18). This requires that we aid his necessity by giving of alms. But precepts are given respecting the acts of virtues, and the giving of alms falls under command as the act is necessary to the virtue ; *sc.*, as right reason requires, considering both the giver and the receiver. On the one side, that which is to be given is what is superfluous ; *i.e.*, over and above what is necessary for the giver's own sustenance. And I say "superfluous," not only as respects the individual giver, that which he needs for his own support, but also as regards others of whom he has charge. And that is to be considered as necessary for him (and for them) which is needful for their station in life. For each one is bound to provide first for himself and for those of whom he has charge, and afterwards out of the residue to aid the needs of others.

And on the part of the recipient, he must have necessity, for otherwise there would be no reason for giving alms to him. But since it is not possible for any one to relieve the necessities of all, not every necessity falls under the precept, but only those where without others' aid the needy cannot be sustained. So, then, to give alms of superfluities falls under the precept, and likewise to give alms in case of extreme necessity. But otherwise alms-giving is of counsel, as counsels are given for the attainment of higher spiritual good.

(1) What, then, shall we say of the much talked-of rights of property ? Temporal goods are Divinely conferred as regards ownership. But as regards the use of them they are not the owner's alone, but also they belong to others who can be sustained out of the owner's superflui-

ties. Well says S. Basil (Hom. in S. Luc. xii.), "If you say that your wealth is given to you by God, is He unjust in His distribution to us? Why have you abundance while your brother is in distress, unless that you may have the merit of being a good dispenser of the Divine bounty, and he be honoured with the prize of patience? It is the bread of the hungry which you are keeping; it is the clothing of the naked which you have under lock and key; it is the money of the needy which you have deposited in bank, or invested in stocks. You injuriously keep what you are able to give."

(2) Another objection. Everything which falls under an affirmative precept obliges at some determined time, and then transgression is mortal sin. Therefore, if alms-giving is commanded, there will be some determinate time in which he sins mortally who does not give alms. But this does not appear to be so; because in every case it may be probably judged that the needy will be otherwise relieved, and what is called for by way of alms may prove to be necessary for the owner in the future, at least. But I reply that the determinate time when one sins mortally who refuses to give alms is the time when there is evident and urgent necessity, and no one appears ready to give aid. And, on the part of the giver, the time is when he has superfluities which are not necessary for his present situation according to his best judgment. Looking forward to all cases which may possibly occur in the future is contrary to the Divine command (S. Matt. vi. 34). The superfluous and the necessary must be judged according to the ordinary probabilities of things.

The Fifth Commandment selects the most prominent example of giving aid to others in their need.

Ought one to give alms out of what is necessary for himself?

The Lord said (S. Matt. xix. 21), "If thou wouldst be perfect, go, sell that thou hast and give to the poor, and

thou shalt have treasure in heaven." This shows that what is necessary may be given in alms. But there are two kinds of necessities : (1) Those without which life is impossible. Such needful things may not be given away ; say, if one has only what is absolutely needful for the support of his children and others dependent on him. To give away this is to destroy himself and his. A case may indeed occur where the safety of the Church or the state is concerned, and he may laudably expose himself and those belonging to him to peril of death, since the common good is to be preferred to one's own. But (2), in another way, a thing is said to be necessary when without it life cannot be suitably passed according to the state and condition of a person and of others for whom he is responsible. The limit of this necessity is not marked by a distinct line. If many things are added, you cannot say just when the line of the necessary is passed ; if many things are taken away, still may remain all that is necessary for passing life becomingly according to one's proper state in it. To give alms out of these so-called necessities is good, and falls under counsel, not under precept. But it would be an inordinate act if one should withdraw so much from his property, in order to bestow it on others, that with the residue he could not properly fulfil the duties of his station in life. For no one ought to lead such a life as that would imply.

But there are three exceptions to this statement : (1) When one changes his state in life, *e.g.*, by entering on the "religious" life ; for then he makes himself poor for Christ's sake (following the counsel, "If thou wouldst be perfect," etc.) ; (2) when those things which are withdrawn from the conveniences of life can be made up again ; (3) when extreme necessity of any private person occurs, or grave necessity on the part of the commonwealth. For in these cases any one would laudably resign what is necessary for the decency of his state in life in order to provide for a greater necessity than his own.

May alms be given of what is unjustly acquired ?

A thing may be illicitly acquired in either of three ways : (1) Where what is acquired is due to him from whom it has been gotten, and cannot be retained by the one who has possession of it, as in robbery, theft, and usury. A man is bound to make restitution ; he cannot give that away in alms. (2) But a thing may be illicitly acquired when he who has gotten it has no right to keep it, neither is it due to him from whom it has been obtained, because the one has taken it unjustly, and the other has unjustly given it. This is the case in simony, where both giver and receiver violate the justice of Divine law ; restitution ought not to be made, but the gift should be bestowed in alms. This is true in all cases where both the giving and the receiving are contrary to law. (3) A thing may be illicitly acquired when the getting is itself lawful, but that from which it is acquired is unlawful, as in all cases of base contract, "*turpe lucrum* ;" e.g., a prostitute shamefully breaks the law of God, but in receiving money she does not act unjustly, or contrary to law. What is in such ways illicitly gained may be kept, and alms given out of it.

(1) The mammon of unrighteousness of which the Lord speaks (S. Luke xvi. 9) is not riches unjustly acquired.

(2) What shall we say of the gains of gambling ? Some things are forbidden by Divine law ; sc., getting the money of those who, like minors, have no power to alienate what is theirs ; enticing another to gamble, with the motive of cupidity in the heart, or getting fraudulent gains ; these call for restitution, not alms-giving. But something further is forbidden by civil law, and where such law is extant, and not obsolete, restitution is obligatory, unless the one has lost who through cupidity enticed to gamble. He is unworthy to receive ; the other cannot lawfully keep. In such a case they must have recourse to alms-giving.

Wives, children, servants, cannot give alms from what is not their own, without the consent, expressed or justly pre-

sumed, of the head of the family, except in case of grave necessity.

Who are first to receive alms ?

First, those who are most closely connected with us, discretion being used with respect to the degree of connection, of holiness, of utility. For to one much holier, suffering greater need, and more useful to the common weal, alms should be given in preference to the person nearer in kinship, especially if the latter is not very near by blood relationship, and is not specially under our care, and if the necessity is not grave.

“If thou hast much, give plenteously,” in proportion to thy means, not for the superfluity of the recipient.

§ 11. Fraternal correction.

Is it an act of charity ?

Sin may be viewed either as injurious to the sinner, or as doing harm to others who are injured or scandalized by it, and also as doing harm to the common good. There is, therefore, a two-fold correction of the delinquent; one which applies a remedy to the sin as an evil in the sinner, and that is properly fraternal correction which is ordained for the amendment of the delinquent. But removing evil from any one is equivalent to procuring his good, which is a work of charity. Hence, fraternal correction also is a work of charity, because by it we repel evil from our brother; *sc.*, sin. And the removal of that is a greater work of charity than removing outward loss or corporal injury. Fraternal correction, therefore, is a nobler act of charity than the cure of bodily infirmity or the relieving of outward need.

But there is another kind of correction which is an act of justice; *viz.*, the applying a remedy for the sin as it is an evil against others, and especially as it is injurious to the common weal.

Fraternal correction is not opposed to the "bearing one another's burdens" (Gal. vi. 2), but rather flows from it. For one supports the erring when he is not turned against him, but keeps such good will towards him that he tries to amend him.

Fraternal correction is obligatory.

But once more note the distinction between affirmative and negative commands. As the negative prohibit the acts of sins, so the affirmative lead to the acts of virtues. But the acts of sin are in themselves evil ; they cannot become good in any manner, time, or place. For in themselves they are joined to a bad end. Therefore, negative laws bind always, on all occasions, under all circumstances. But the acts of virtues ought not to be done in every manner, but with observation of those due circumstances which are requisite in order that the act may be a virtuous one ; *sc.*, that it be done where it ought, and when it ought, and in the manner it ought to be done. And because the due arrangement of the means depends upon the end sought for, in those circumstances of virtuous action is chiefly to be noted the end, which is the good of virtue. If, therefore, there be any such omission of any circumstance of a virtuous act as totally takes away the good of virtue, this act is contrary to the precept. But if there be defect in any circumstance which does not totally annul the virtue, though the act may not reach the perfect good of virtue, it is not contrary to the precept. So fraternal correction, which is ordained for the amendment of a brother, falls under the law (obligation) so far as it is deemed to be necessary for that end, but not so that the delinquent must be corrected in every place, and at every time.*

* The conditions which render this act of charity obligatory are : (a) the sin or the near danger of sinning is certain ; (b) there is hope of amendment in connection with this act of charity ; (c) no other is more fit to employ it ; (d) grave injury will not be done to the cor-

(1) But this, you say, proposes a task which is practically impossible. Yes ; man's operation cannot be efficacious without Divine aid, and yet we are bound to do our part, so far as in us lies, with hope of Divine assistance.

(2) In one way, it may be meritoriously omitted out of charity, when an opportune season is waited for, or there is reasonable fear of making the offender worse, etc. But, again, its neglect is mortal sin when fear of being unpopular or of some annoyance is preferred to fraternal charity, although one has reason to think that his correction will be a benefit to the sinner. In another way, omission of this is venial sin, when fear or other motive makes one more tardy in correcting his brother's faults, not, however, that he would neglect it if he were certain of doing good thereby.

(3) It cannot be said that if fraternal correction is obligatory, it is a debt which must be paid ; and therefore, as in the case of any other debt, we must go around and search for our creditors, which in this case is impossible, because of the multitude of sinners, for whose correction one man is not sufficient. This is mistaken, because what is due to any determinate and fixed person must be paid, whether it is corporal or spiritual good, without waiting for him to come to us, but having due solicitude in seeking him out. This is true of pecuniary debt, and of one who has special charge of another. He ought to seek out that other if he go astray. But in the case of those benefits, spiritual or corporal, which are not due to any certain person, but to all our neighbours in general, we are not bound to go around searching for those to whom we may pay our debt, but it suffices that we do so when we meet with them.

Does fraternal correction pertain only to those who hold some office ?

We have seen above that one kind of correction is an act rector ; (e) the correction is judged to be necessary for the amendment needed.

of charity ; viz., that which specially tends to the amendment of an erring brother by simple admonition. Such correction is the duty of every one who has charity, whether he is in office or not.

But there is another kind of correction, which is an act of justice aiming at the common good, which common good is sought for not only by fraternal correction, but sometimes by punishment, in order that others may be afraid and cease to do wrong. Such correction pertains to governors alone, whose duty it is not only to admonish, but also to correct by punishing.

(1) Though fraternal correction pertains to all, yet those who have charge of others have graver responsibility in that respect.

(2) But he who has sound judgment is superior in that respect, and is bound to employ it in this way.

Is any one bound to correct his superior ?

We are not now speaking of the act of justice, which belongs to one in office alone, but of the act of charity, which embraces all to whom charity is due, if in any one is found what ought to be corrected. But because a virtuous act must be restricted to the due circumstances, therefore in correction of superiors a due mode must be employed ; *sc.*, not rudeness and insolence, but mildness and respectfulness (1 Tim. v. 1).

How can a sinner correct the delinquent ?

Such correction belongs to him who has sound judgment. But sin does not totally destroy the good of nature, and sound rational judgment may still remain. But yet previous sin puts a three-fold obstacle in the way of this correction : (1) because preceding sin, especially if it be a greater one, renders a person unfit to correct the erring (S. Matt. vii. 3) ; (2) because of scandal, if the sin of the one who corrects is public ; he seems to be correcting, not out

of charity, but out of ostentation (S. Matt. vii. 5) ; (3) because of the pride of the corrector, who thinks lightly of his own sins and in his heart sets himself above his neighbour, judging others' sins with strict severity, as if he were a righteous man. Well says S. Augustine (Serm. Dom. in Monte, ii. 19), "Let us reflect, when necessity compels us to reprove another, whether we have never fallen in the same way ; and then let us consider that we are human, and might have had the same fault ; or that we once were under its dominion even if now we are not ; and then let our common frailty come to mind, and pity, not hatred, precede that correction. But if we shall find that we, too, are guilty in the same way, let us not chide our brother, but lament with him our common sin, and not invite him to yield to us, but with us to avoid the common destruction." It is plain, then, that if the sinner correct the erring with humility, he does not sin anew and get for himself fresh condemnation, although in this way, either in his brother's conscience, or, at least, in his own, he may find himself worthy of condemnation for his past sins.

May one give up fraternal correction through fear lest the erring be rendered worse by it ?

That correction which is the duty of superiors is ordained for the common good and has coactive force. Such correction is not to be neglected for fear of troubling him who is corrected, both because he must be forced, if possible, through punishment to desist from his iniquity, if he will not amend of his own accord ; and because, if he is incorrigible, the common good must be provided for, the order of justice being preserved, and others deterred by the example given.

But fraternal correction is another thing ; its end is amendment of the sinner, not through compulsion, but through simple admonition. Therefore, when it is probable that the sinner will not receive the admonition, but be

rendered worse by it, such correction is to be avoided, for the means to an end ought to be regulated by the end itself. If it hinder the end, it is not a good ; it does not fall under the precept.

The order of fraternal correction.

The due order is commanded by our Lord Himself (S. Matt. xviii. 15) : "If thy brother sin against thee, go, show him his fault between thee and him alone. If he hear thee, thou hast gained thy brother. But if he hear thee not, take with thee one or two more, that at the mouth of two witnesses or three, every word may be established. And if he refuse to hear them, tell it unto the church."

But we must distinguish between open and secret sins. If the sin is public, the remedy is not only for the sinner that he may be made better, but for others that they may not be scandalized. Such open sins are to be openly rebuked, as S. Paul says (1 Tim. v. 20), "Them that sin reprove in the sight of all, that the rest also may be in fear." But if the sins are secret, the Lord's command seems to apply to the case. For when thy brother sins against thee publicly, he sins not only against thee, but also against others.

But even in secret sins there is a difference. For some may be offences against our neighbours when they produce injury, whether spiritual or corporal, to the community, as when any one secretly deals with the enemy in order to betray the nation, or when a heretic secretly tries to turn the faithful from the truth. He who secretly sins in such a manner sins not only against you, but also against others ; and it is right to proceed at once to open denunciation, in order that the injury may be stopped, unless, possibly, you judge that private admonition will answer the purpose.

But some sins are wholly between man and man, the injury being only that of the sinner and the one sinned against ; and then the question is of aiding an erring

brother. And as the surgeon restores to health, if he can, without amputation (or ought to do so), but if he cannot, he amputates what can be lost for the preservation of life, so, also, he who aims at the amendment of his brother ought so to do it, if possible, that his brother's good name may be saved. For this is useful to him, both in an earthly way, since he would suffer great detriment from the loss of it, and in a spiritual way, because the dread of infamy helps to keep many back from sins into which they would rush without restraint if their good name were lost.

For other reasons we are bound to preserve the good name of our erring brother. The ill name of one becomes the ill name of many. When something false is reported of one exercising sacred functions, or some true charge is made public, there are many who are eager to believe the same of all (S. Aug., Ep. ad plebem Hippon. 77).

And, again, the sins of one made public encourage others to sin ; notably, the sins of the clergy.

But because a good conscience is of more value than a good name, the Lord willed that even with loss of good name the conscience of our brother should through public denunciation, if necessary, be freed from sin. It is commanded, then, that secret admonition precede public denunciation.

Even God Himself gives the sinner secret warnings (Job xxxiii. 15).

§ 12. The precepts of charity.

What God requires of us is the subject of commandment ; but God requires that man love Him.

Therefore, commandments are given respecting the acts of love. A precept implies a debt, something due. But something is due in two ways: one, *per se*; another, on account of something else. The end is what is due, *per se*, in each case, because it has, *per se*, the idea of the good ;

but the means are due on account of something else. Thus, it is the physician's duty *per se* to try to make a cure; but it is his duty to give medicine on account of the cure. But the end of the spiritual life is that man may be united to God, which is done by charity, and all things which pertain to the spiritual life are ordained for this end. For all the virtues respecting whose acts precepts are given are ordained either to purify the heart from the filth of passions, or for a good conscience respecting our actions, or for a right faith, as those commandments which refer to Divine worship; and these three are the requisite conditions for loving God. For an impure heart is drawn away from His love by passions inclining to earthly things; and a bad conscience makes one shrink from a just God through fear of His punishments; and a false faith draws the affections to that which is not God, separating from His truth. But as the end is more precious than the means, the chief commandment regards the love which proceeds from charity.

It might be objected that charity which is poured into our hearts by the Holy Ghost makes us free, for "where the Spirit of the Lord is, there is liberty" (2 Cor. iii. 17). But the obligation of commandments is not opposed to liberty except where the mind is averse to what is commanded, as in those who obey out of fear alone, while the precept of love can only be fulfilled out of our own will; and, therefore, it is not repugnant to liberty.

Observe, also, that all the ten commandments are ordained for the acts of love to God and our neighbour. Therefore, the precepts of charity (as such) are not given there, but are included in all.

The love of God, indeed, is the end, and that to which the love of our neighbour is ordained.

But because all do not really see what is contained in the "first and great commandment," a second is added (which "is like unto it"); viz., the love of our neighbour.

And these two are sufficient.

“On these two commandments hang all the law and the prophets” (S. Matt. xxii. 40), for the love of charity is love of the good; *sc.*, either of the end, or of that which is for the end, of God or of our neighbour for God’s sake.

(1) No precept respecting love of self and our own body is needed; but the mode of doing so—*sc.*, in due order—is implied in the love of God and of our neighbour.

(2) Other acts of charity, as joy, peace, beneficence, follow from love as their cause. And precepts respecting these are, therefore, included in that of love. And yet, since some are slow to fulfil these, explicit precepts are added respecting them: “Rejoice in the Lord always” (Phil. iv. 4); “Follow peace with all men” (Heb. xii. 14); “While we have time, let us do good unto all men” (Gal. vi. 10). Different acts of doing good, also, are commanded in Holy Scripture.

God is to be loved as the ultimate end to which all things are referred. Therefore, He is to be loved with the whole heart. The whole heart, it is true, may not be actually and always directed to God. This is the perfection of the Christian’s fatherland, not of the road thither. But the heart is to be habitually so directed to God that it receives nothing which is contrary to that love; this is the perfection “of the road,” to which venial sin is not directly contradictory; since it does not totally destroy the habit of charity, it does not aim at the opposite, but only impedes the action of charity.

Our intellect, our desires, our outward acts, are to be subject to that loving will which is expressed by loving God “with all the heart.” Therefore it is added, “and with all thy mind, and soul, and strength.” Fully and perfectly the precept of the love of God will be fulfilled in heaven, for its end is that man be totally united with God. But here, not so; yet there need be no departure from that end, no mortal sin.

Do not say that the impossible would be commanded, if the precept of perfect love could not be fulfilled in this life. For he that runs towards the goal must know which way he is to run. (See S. Aug., *De Perf. Justit.*, cap. 8.)

The precept of love of our neighbour gives the reason for loving and the manner of loving.

It gives the reason ; for others are our neighbours both according to the natural image of God and their capability of glory. Call others neighbours, call them brothers, it is all one. It gives the manner of loving—*sc.*, “as thyself.” This is not equality, but similitude, and that in three particulars ; first, the end ; as one loves himself (out of charity) for God’s sake, so his brother is to be loved. This is *holy* love. Next, as one satisfies his own will in what is good (or thought to be so), so he yields to his neighbour in good things, not in evil. This is *just* love. And lastly, the reason for loving is that one love his neighbour not for his own benefit or pleasure, but wills his neighbour’s good as he wills his own. This is *true* love. As thus understood, even enemies are brothers of ours.

The order of charity is part of the precept.

Man does more to gratify him whom he loves more. And so, if he should love less him whom he ought to love more, he would be doing more to satisfy him to whom he owes less ; and so would be doing injury to the other. Accordingly, the order of love is explicitly laid down in Holy Scripture. “With all thy heart,” places God above all things. “As thyself,” places thine own salvation next. “We ought to lay down our lives for the brethren” (1 Ep. S. John iii. 16), places our neighbour before our own body. “Especially unto the household of faith” (Gal. vi. 10), and, “If any provide not for his own, and specially his own household” (1 Tim. v. 8), places the better and those nearer to ourselves above other neighbours.

S. Thomas regards the spiritual gift of wisdom as especially correlated to charity. It is wisdom in the things of God, and he that has it can judge and order all his spiritual life by Divine rules. It is not merely speculative, but also eminently practical wisdom. Its seat is the intellect, but it springs from charity, a loving will. It is not the intellectual virtue which is acquired by our own efforts, and it is different from faith which assents to Divine verity; wisdom is judgment according to Divine truth. It is not the mere use of reason giving right judgment, but it is grounded on the affinity for Divine things which charity possesses through union with God. It is incompatible, therefore, with mortal sin. It is for the guidance of the spiritual life in what is necessary to salvation, through justifying grace, "*gratia gratum faciens.*"

The opposite sin is spiritual folly; not any natural dullness of judgment, but that stupidity of folly in spiritual things which results from a Christian man's burying himself in carnal pleasures. "The natural man receiveth not the things of the Spirit of God: for they are foolishness unto him; and he cannot know them, because they are spiritually judged" (1 Cor. ii. 14). This child of lust ("*luxuria*") may not be directly willed, but those things are willed from which it is necessarily generated and born.

CHAPTER IV.

VICES OPPOSED TO CHARITY.

§ 1. Hatred.

Can any one hate God?

If not, why did the Lord say (S. John xv. 24), "But now have they both seen and hated both Me and My Father"? Observe, then, that hatred is a passion moved by something which is apprehended. But God may be apprehended either in His essence or in His effects. But in His essence He is that Goodness which no being can hate, but all must love. There are some of His effects, also, which cannot be in any way contrary to our will, as life and thought, which He produces, and which are sought by all. So far God cannot be hated. But there are certain effects of God which the inordinate will opposes, as the infliction of penalty and the restraint of sins by Divine law. And as regards the consideration of such effects, God can be hated.

Hatred of God is the greatest of sins.

For the defect in sin consists in aversion from God. (See page 107.) But such aversion would not be guilt if it were not voluntary. Guilt ("*culpa*"), therefore, consists in voluntary aversion from God. But this voluntary aversion from God is found, *per se*, in hatred of God, while in other sins it exists, as it were, by participation. For as the will, *per se*, cleaves to that which it loves, so in itself it shuns that which it hates. Hence, when any one hates God, his will, *per se*, is averted from God. But, in other sins—say,

in sensual sins—the will is indirectly averted from God, inasmuch as it seeks inordinate pleasure, to which this aversion is annexed. Hence, hatred of God is the gravest of sins.

(1) This hatred is deliberate malice, which is sin against the Holy Ghost.

(2) Infidelity is a fault only as it is voluntary; and the more voluntary it is, the graver is the sin. But its being voluntary comes from one's hating the truth which is presented to him. Hence, it is evident that the sin in infidelity springs from hatred of God, whose truth is the object of faith. Therefore, as the cause is more potent than the effect, the hatred of God is a greater sin than the infidelity.

(3) It is not true that whoever hates punishment hates God, who is the author of it. But to rush into hatred of God as punisher, is hating the justice of God, which is the gravest of all sins.

Is all hatred of our neighbour a sin?

Hatred is opposed to love; and hatred is so far evil as love is good. But love is our neighbour's due according to what he has from God; *i.e.*, according to nature and grace. But love is not his due according to what he has from himself and the devil; *sc.*, according to sin and defect of righteousness. And therefore it is lawful to hate sin in our brother, and all that pertains to defect of righteousness; but one cannot hate his brother's nature and grace without mortal sin. But this very thing, that we hate in our brother his fault and defect of good, pertains to love of our brother, for it is all one to will another's good and to hate his evil. Understood simply, then, hatred of our brother is always sin. "He that hateth his brother is in darkness" (1 Ep. S. John ii. 9).

But is it not natural, and therefore right, to hate our enemies? For they are opposed to us and aim at our ruin.

But according to what they have from God, they are not contrary to us, and are to be loved. We ought to hate that they are enemies.

Is hatred of our neighbour the gravest sin against him?

The evil of sin against our neighbour is two-fold : one, the disordered will of him who sins, which is the root of sin ; another, the injury which is done to our neighbour. As regards the first, hatred is greater sin than outward injurious acts, and if the outward acts were inordinate without any inordination of will, they would not be sin, as when one ignorantly, or in zeal for justice, kills a man. And if there is any fault in outward sins which are committed against our neighbour, all springs from inward hatred. But as respects the injury which is done, outward sins are worse than inward hatred.

Hatred is not counted among the capital sins, because it is last, not first, in the order of destruction of what is virtuous in man ; for it is most opposed to nature. It is most natural to man to love his neighbour's good.

Does hatred spring from envy?

Hatred of our neighbour is the ultimate in the progress of sin, in that it is opposed to the natural love of our neighbour. But the reason why one recedes from what is natural is that he aims to avoid what is naturally to be shunned. But naturally every animal shuns what causes sorrow, and seeks what gives pleasure. And as from pleasure springs love, so from sorrow springs hate. Hence, since envy is sorrow at another's good, it follows that that good is rendered hateful to us, and from envy springs hatred.

In another way, and more indirectly, as disposing to the ultimate, anger may cause hatred. For anger at first seeks our neighbour's evil, under the notion of just vengeance ; but afterwards, being prolonged, a man may desire absolutely that evil, which pertains to hatred.

§ 2. Spiritual sloth ("acedia").

This is opposed to that spiritual joy in Divine good which is the inward effect of charity.*

Is spiritual sloth a sin?

It is "a torpor of a mind which neglects to begin good things" (S. Aug., Ps. cvi.). But a sorrow of this kind respecting spiritual good is evil in itself. Even sorrow respecting what is truly evil may be bad in its effects, if it so load down a man that he totally withdraws himself from good works. Spiritual sloth, therefore, is evil, both in itself and in its effects. And, therefore, since it belongs to the will, it is a sin.

Humility, looking at one's own defects, does not exalt self; but it is ingratitude if one despise the good things which God has given, and from such contempt follows spiritual sloth.

As a special vice it wearies of the Divine good, in which charity rejoices.

Is spiritual sloth a mortal sin?

Mortal sin destroys the spiritual life in which God dwells in us through charity. And that sin is mortal which in its own proper nature is opposed to charity. Now spiritual sloth is such; for the effect of charity is joy in God; but spiritual sloth is weariness of spiritual good as Divine.

But sins which are in themselves mortal are only such when they attain their consummation. And the consummation of human sin, which consists in a human act, is in the consent of reason. Hence if the beginning of sin is in the sense-nature alone, and does not reach the consent of reason, the sin is venial on account of the imperfection of the act. So concupiscence is mortal or venial sin according as it has or has not the consent of reason. So also

* See the suggestive essay prefixed to Canon Paget's *Spirit of Discipline*, 1891.

the motion of spiritual sloth is sometimes in the sensuous nature alone, through the repugnance of the flesh against the spirit, and then it is venial sin. But sometimes it reaches the reason, which consents to flight from the Divine good, and feels horror of it and detestation of it, the flesh altogether prevailing against the spirit. This is manifestly mortal sin. It is a capital sin, because on account of it many evil things are done either to avoid the disagreeable effort required by the spiritual life, or because the burden of this spiritual sloth produces sinful acts which harmonize with it. S. Gregory (Moral. xxxi. 17) names six daughters of spiritual sloth: (1) Despair of the end; (2) pusillanimity with respect to the means; (3) sluggishness respecting obedience to God's commands; (4) rancor at spiritual counsellors who urge to a better life; (5) an evil mind towards spiritual goods themselves; (6) a heart wearied with spiritual joy and wandering after corporal pleasure.

§ 3. Envy.

What is envy?

Another's good may be apprehended as one's own evil, and so there can be sorrow at it. And this in two ways: one, when danger of injury threatens one's self, and so one is saddened at another's good; as when his enemy is exalted, and so he fears that harm may be done to himself. Such sadness is not envy, but rather the effect of fear. But, again, another's good may be esteemed as one's own evil, diminishing one's own glory or excellence; in this way envy is troubled at another's good. Envy, therefore, especially regards those goods from which glory arises, and in which men love to be honoured and held in high reputation.

Is envy a sin?

Sadness at another's good may arise in four ways: (1) When one fears injury to himself or to his good things, as

the result of such prosperity. This is not envy, and may exist without sin. "It may happen that without loss of charity, an enemy's ruin makes us glad, and again his glory saddens us without envy; since we believe that by his fall others will well be lifted up, and in his prosperity we fear that many will be unjustly oppressed" (Greg., Moral. xxii. 6).

(2) One may be saddened in consequence of another's good, not because he has it, but because that good is wanting in ourselves. And this is properly emulation; and if that emulation concerns moral goods, it is laudable. But if it refer to earthly goods, it may be sinful, or it may not be so.

(3) He for whom the good happens may be unworthy of it. Sadness at this, indeed, cannot arise from those moral goods by which any one is made righteous. But it may spring from wealth acquired, and from other such things as both the worthy and the unworthy can obtain. And this sadness pertains to indignation ("*nemesis*"), and is connected with good habits. But such a view of earthly goods leaves out of sight the eternal verities. But according to the doctrine of faith, the temporal goods which the unworthy obtain are distributed according to the just ordination of God, either for the correction of the unworthy, or for their condemnation. Goods of this kind are as nothing in comparison with the future goods which are reserved for those who are worthy of them. Such sadness is forbidden by the Holy Scriptures: "Fret not thyself because of the ungodly, neither be thou envious against the evil doers" (Ps. xxxvii. 1).

(4) One is saddened at another's good, inasmuch as that other exceeds himself, and this is properly envy; and this is sin, grieving at what ought to cause rejoicing, *sc.*, another's welfare.

Is envy a mortal sin?

It is certainly a species of mortal sin. For sin gets its specific character from its object. Now envy, according to

its object, is the opposite of charity, through which comes the spiritual life of the soul. "We know that we have passed from death to life, because we love the brethren" (1 Ep. S. John iii. 14). The object, both in envy and in charity, is the good of our neighbour; for charity rejoices at it, but envy is saddened by it. Manifestly, then, envy is, in its species, a mortal sin.

But we have seen (page 115) that in every kind of sin are found certain imperfect motions in the sensuous nature, which are venial sins, as in homicide, the first motions of anger. So also in envy are found certain primal motions, sometimes even in good men, which are venial sins.

(1) These come from the passion on which envy is grounded, which passion is seen even in little children.

(2) The grief which the Psalmist expressed ("nemesis") was at the prosperity of the unworthy (Ps. lxxiii. 3), which is the opposite of envy at the prosperity of the worthy.

Envy is a capital sin.

The child of pride is vainglory, and this begets envy. The daughters of envy are secret backbiting and open detraction, exultation at our neighbour's adversity and efforts to impede his prosperity, and, last, and the culmination of all, hatred of our neighbour.

§ 4. Discord and strife.

Discord is a mortal sin.

S. Paul (Gal. v. 20) places divisions among the works of the flesh, and "they which do such things shall not inherit the kingdom of God." Discord is opposed to concord, which springs from charity joining the hearts of many, first, in Divine good, and next, in the good of our neighbour. Therefore discord is sin.

But discord may take away this concord, first, *per se*—i.e., according to the intention, when one knowingly dissents from Divine good, and his neighbour's good to which he

ought to consent. This is mortal sin in kind, because it is opposed to charity, although the first motions of this discord may be venial through their being imperfect acts. But discord may, again, destroy concord *per accidens*—i.e., without such intention, when different persons aim at some good which pertains to the glory of God or the benefit of our neighbour, but one judges a certain course to be good, while another has a contrary opinion. Then discord is, *per accidens*, contrary to the Divine good or the good of our neighbour. Such discord is not sin, nor contrary to charity, unless there be error respecting what is necessary to salvation, or undue obstinacy in one's opinion. For concord, which is the effect of charity, is the union of wills, not the union of opinions (page 215). Discord, then, is sometimes the sin of one, when he knowingly resists the good which another wills; and sometimes it is the sin of both parties, when each dissents from the good of the other and loves his own good.

(1) But you may say that another's will is not the rule of yours, but only the Divine will is such. And this is true of that other's will considered in itself; but when that will adheres to the Divine, it does become the rule for others also, and discord with such a will is discord with the Divine rule.

(2) But S. Paul excited discord between the Pharisees and the Sadducees (Acts xxiii. 6). I answer that to destroy that good concord which charity produces is a grave sin; "He that soweth discord among brethren is an abomination unto the Lord" (Prov. vi. 16). But to take away the evil concord of bad wills is laudable, and the Lord Himself said (S. Matt. x. 34), "I came not to send peace, but a sword."

(3) The discord between SS. Paul and Barnabas (Acts xv. 39) was *per accidens*, because each was aiming at the good, but to the one a certain course seemed to be good; to the other, another. This was due to human imperfection, for the controversy did not concern what is necessary to salva-

tion. Even this dissension was ordained by Divine Providence for the resulting benefit of the world.

If discord is viewed as a departure from another's will, it may be called the daughter of envy ; but viewed as depending on self-seeking, it is the child of vainglory.

Is contention (strife) a mortal sin ?

S. Paul (Gal. v. 20) places it with discord among the works of the flesh which exclude any one from the kingdom of God ; therefore it is a mortal sin. As discord expresses contrariety of wills, so contention implies the same in speech. But we must look at the intention, and at the manner of contending. In the intention we must consider whether one is contending against the truth, which is blameworthy, or against falsehood, which is laudable. And in the manner, we are to consider if it is suitable to the persons and the things ; for if so, it is laudable. If, then, contention signify impugning the truth and an inordinate manner of contending, it is mortal sin. But if it be an impugning of falsehood with proper acrimony, it is laudable. But if, again, it be contending against falsehood in an inordinate manner, it may be venial sin, unless perhaps the inordination is so great as to cause scandal of others. So S. Paul says of such strife (2 Tim. ii. 14), that it tends to " the subverting of the hearers." *

When the disciples contended (S. Luke xxii. 24), they did not mean to impugn the truth, for each one was defending what he thought to be true ; but their contention was inordinate, being about an improper object ; *sc.*, the primacy of honour, for they were not yet spiritual men. Therefore the Lord checked their contention.

Contention, like discord, is the daughter of vainglory. For pride and vainglory seek one's own superiority, which may be done in speech and cause strife of words.

* S. Thomas seems to understand the "logomachy" here spoken of, as wordy strife rather than as strife about words.

§ 5. Schism.

Is schism a special sin?

It is directly and *per se* opposed to unity, and it is a special sin when one intends to separate himself from that unity which charity makes, which not only unites one to another in the spiritual bond of love, but also unites the whole Church in the unity of the Spirit. And, therefore, properly speaking, schismatics are those who spontaneously and intentionally separate themselves from the unity of the Church, which is the principal unity. For the particular unity of Christian man with Christian man is ordained for the unity of the Church, as the union of member with member in the body is for the unity of the whole body. But the unity of the Church depends on two things; first, the communion of the members with one another, and next, the subordination of all the members to the one Head (which is Christ), "the Head from whom all the body, being supplied and knit together through the joints and bands, increaseth with the increase of God" (Col. ii. 19).

(1) All sin separates man from God; but this is not necessarily schism, since it may not be the intention of the sinner to separate himself from God, but to turn inordinately to temporal good.

(2) Every sinner disobeys the precepts of the Church, but the schismatic does so with rebellion, since he pertinaciously despises those precepts and refuses to submit his judgment. Every sinner does not do this.

(3) Heresy is opposed to faith, but schism *per se* is opposed to the unity of charity in the Church. Therefore, as faith and charity are diverse virtues, although whoever lacks faith lacks also charity, so schism and heresy are diverse vices, although whoever is a heretic is also a schismatic, but not conversely. And yet, as loss of charity is the road to loss of faith (1 Tim. i. 6), so schism is the road to heresy.

Hence, S. Jerome well remarks that "there is no schism which does not invent to itself some heresy (note this), in order to justify its separation from the Church" (Ep. ad Titum, cap. 3).

Is schism a graver sin than infidelity?

The gravity of a sin depends upon the species of the sin and also upon its circumstances. But the particular circumstances are infinite in number and infinitely varied. And so, in comparing two sins in order to find which is the worse, we have to look only at their specific character. But this depends upon the object; and, therefore, that sin is the greater which is opposed to the greater good, as sin against God is worse than sin against our neighbour. But infidelity is sin against God Himself as the primal verity on which faith rests; while schism is against Church unity, which is a derived good and less than God Himself. So it is plain that the sin of infidelity is specifically graver than the sin of schism, although it may happen that some schismatic sins more deeply than some infidel, either on account of greater contempt or greater peril to others' souls, or some such reason.

(1) But schism is against the good of the multitude, whereas infidelity is only against the particular good of one. Yes; but there is a greater good than either of those, which is the Divine verity, to which unbelief is opposed.

(2) But schism is a sin against charity, which is a higher virtue than faith, to which infidelity is opposed. Yes; but charity has two objects, Divine goodness, and our neighbour's good. And schism is a sin against the good of our neighbour, which is less than the object of faith, viz., God Himself. Yet, of all the sins against our neighbour, schism seems to be the greatest, because it is against the spiritual good of the multitude.

Here note that schismatical clergy have the authority which belongs to their orders, for this sacramental power is conferred once for all through a consecration to that end.

Heresy or schism does not annul it, for if they return to the Church they are not ordained or consecrated anew. (See the Novatian schism, Conc. Nic., canon viii.)

But this sacramental power is not lawfully used without the sanction of superior authority in the Church. If, however, it should be illicitly used, it has its ordained sacramental effect, because in sacraments man is only God's instrument, and the fault of the minister does not destroy the efficacy of what he instrumentally does.

But authority of *jurisdiction* is conferred by men who have it, and is not indelible, like Holy Orders. Open schismatics and heretics may lose by man's decree what man has given.

§ 6. Wars, quarrels, and seditions.

Is making war always a sin?

Three requisites are demanded for a righteous war: (1) due authority—*sc.*, that of the commonwealth—for it does not pertain to any private person to make war, since his private right can be prosecuted through the judgment of his superior. And, again, to summon the people, which is necessary in war, cannot be done by a private individual. But as those who have charge of the commonwealth may lawfully defend it with the sword against internal disturbance, punishing malefactors with death (Rom. xiii. 4), so it belongs to them to defend the state from external enemies with the sword of war.

(2) A just cause for war is requisite; viz., that those who are attacked deserve attack for some grave fault.

(3) There must be right intention on the part of those who make war; *sc.*, that good be promoted or evil avoided. But it can happen that war is declared by legitimate

authority and for a just cause, and yet the war may be unrighteous on account of the evil intention of those who begin it; *e.g.*, their eagerness to injure, their fierceness of revenge, their implacable mind, their lust of new dominion.

(1) But did not the Lord say (S. Matt. xxvi. 52), "All they that take the sword, shall perish by the sword"? But S. Augustine says justly (Cont. Faust. xii. 70), "He takes the sword who is armed against another's life without any superior or legitimate authority which orders or permits him to do so." If any private person with due authority, or any public person through zeal for justice and with God's authority, use the sword, he does not himself take it, but he employs it as entrusted to him by another.

And those also who sinfully use the sword are not always slain with the sword, but they themselves always perish through their own sword, because for the sin of the sword they are punished everlastingly, unless they repent.

(2) But, again, the Lord said (S. Matt. v. 39), "Resist not evil;" and in the Epistle to the Romans we read (Rom. xii. 19), "Avenge not yourselves, but give place unto wrath." I reply that precepts of this nature (affirmative), as S. Augustine says (Serm. Dom. in Monte, i. 19), are always to be observed in the preparedness of the soul; *sc.*, a man must always be prepared to make no resistance, to give up self-defence, if there be reason for doing so. But sometimes it is a duty to act otherwise, for the sake of the good of the community, or even for the sake of those against whom one contends. If license to work iniquity be taken away thereby, it is well to conquer in war.

(3) But war is contrary to the virtue of peace. Yes; but those who wage just war are aiming at lasting peace, not that evil peace of which the Lord said, "Think not that I came to send peace on the earth" (S. Matt. x. 34).

Is it lawful for priests and bishops to engage in war ?

For the good of human society many things are necessary, and some are inconsistent with others, so that they cannot well be exercised by the same persons. And military affairs are most of all repugnant to those duties which belong to priests and bishops for two reasons ; first, they withdraw the mind from that Divine service for which the clergy are appointed ; next, the clergy are ordained to set forth the sacrifice of Christ ; therefore, instead of shedding others' blood, they should be ready to give their own for Christ's sake.

(1) It pertains indeed to prelates and priests to resist wolves, robbers, tyrants ; but their weapons are not carnal, but spiritual (2 Cor. x. 4) ; *i.e.*, admonitions, prayers, and excommunications.

(2) The clergy may spiritually aid those waging just war by their spiritual ministrations. They may call on others to undertake a just war, for engaging personally in it is not forbidden to them because it is wrong, but because it is inconsistent with their holy office.

Promised faith must be kept, even with enemies in war ; but just war may call for stratagems and secret snares ; for such things, in such a case, are not repugnant to justice, nor do they spring from inordinate will.

Are quarrels, "fightings" (rixæ), always sin ?

As contention implies contradiction in words, so these private "fightings" imply the going to blows. It is a sort of private war, without public authority, and springing from an inordinate will. Such quarrels always imply sin. In him who unjustly attacks another, it is mortal sin, for injury wilfully done to our neighbour cannot be without mortal sin.

But in him who defends himself there may be no sin at all, or venial sin, or mortal sin, according to his mind and manner in defending himself. For if he only intend

to repel injury offered, and with due moderation defend himself, the quarrel is not on his side. But if he do so with a vindictive mind, or one filled with hatred, or in undue excess, there is always sin; venial, indeed, when the sinful impulse is not a grave one, or the lack of moderation is not serious; but mortal, when he is steadily bent on doing serious injury to the other party. Fightings of this kind are the children of anger rather than of hatred. For the latter aims absolutely at harming an enemy; whether openly or secretly, matters not. But anger, the desire for vengeance, is not satisfied with secretly doing harm, but desires that the other party may know that he is suffering the consequences of his wrong-doing. And this is implied also in quarrels, or fightings (“*rixæ*”).

Is sedition a special sin?

It has something in common with wars and fightings; but the first are properly against external foes, nation arrayed against nation; the second are the conflicts of one against one, or of few against few; but sedition is properly between the different parts of one people disagreeing with one another, one part of the state contending with another. And, therefore, because it is opposed to a special good—*sc.*, the unity and peace of the community—it is a special sin.

Is sedition always a mortal sin?

The unity to which sedition is opposed is the unity of justice and the common good, and it is mortal sin in its kind, and so much the graver sin as the common good is of more importance than that private good which is impugned by private quarrels. But the sin of sedition primarily and principally belongs to those who stir up sedition; these sin most gravely; but next, those are involved in it who follow those disturbers of the common peace. But those who resist them and defend the common

good are no more seditious than those who defend themselves are quarrelsome.

The rule of tyrants is not just, because it is not ordained for the common good, but for the private benefit of the ruler himself. And, therefore, arousing the people against this tyrannical rule is not sedition, unless possibly when this tyranny is so inordinately attacked that the subject people suffer more detriment from the consequent disturbance than they did from tyrannical rule. But it is rather the tyrant who is seditious, nourishing discords and seditions among the people, in order that he may more easily keep them down.

§ 7. Scandal.

What is scandal?

This vice, opposed to the beneficence of charity, may be defined, with S. Augustine (*Contra Faust.* xxii. 27), as “a word or deed deficient in rectitude, giving occasion for the spiritual ruin of another.” As one may put a stumbling-block in another’s way, so that, if he encounter it, he is liable to get a fall, so, in the progress along the spiritual road, one by his advice, persuasion, or example may lead another into sin; this is scandal. But nothing according to its proper nature disposes any one to spiritual ruin, unless it be deficient in rectitude. For that which is perfectly right rather strengthens one against a fall than leads him to his ruin.

Both that is defective in rectitude which is evil in itself, and that which has the appearance of evil; for even if there be no corrupt intention in it, it may give occasion for another’s fall. And therefore the apostle said (1 Thess. v. 22), “Abstain from every appearance of evil.”

The word or deed of any one can be in two ways the occasion for another’s sin. First, *per se*, when the evil word or deed is actually intended to induce another to sin (direct, active scandal); or, even though not so intended, the action

is of such a nature that it incites another to do wrong (indirect, active scandal) ; as when one publicly sins, or does what has the appearance of evil. And then he who does anything of this kind, properly speaking, gives occasion for falling. These are *active scandals*.

But, secondly, *per accidens* some word or deed of one person is the cause of another's sinning, when, apart from the intention of the one who does the action, and without the action itself having any such tendency, some one ill-disposed is by this action induced to sin, say, to envy another's goods ; and then he whose action is right does not give occasion, but the other takes it. This is *passive scandal* without any active scandal. Sometimes, then, it happens that active scandal is found in one and passive scandal in another, as when one induces another to commit sin. But sometimes there is active scandal without the passive, as when one by word or deed tries to lead another into sin, and he does not consent. And finally there is sometimes passive scandal without active (the scandal of the weak through ignorance or infirmity, and the scandal of the Pharisee through his own malicious wickedness).

Is scandal a sin ?

Passive scandal—i.e., the scandal in him who receives it—is always sin in him, since he is not, properly speaking, scandalized, unless in some way he fall into spiritual ruin, which is sin. (Note that “offence,” Rom. xiv. 21, is indignation against him who sins, which can exist without this fall.) But passive scandal can exist without any sin on his part from whom the scandal proceeds, as when any one is scandalized by those things which another has done with perfect rectitude.

Similarly, active scandal also is always sin in him who gives the occasion for it, because either what he does is sin, or, if it have only the appearance of evil, he is bound in charity to avoid it, since it is the duty of every one to care for his

neighbour's salvation. And so he who does not avoid occasion for scandal acts against charity. But we have seen that the active scandal may exist without any sin on the other side (*e.g.*, one may be "offended," without himself falling).

(1) The Lord said (S. Matt. xviii. 7), "It must needs be that offences (scandals) come." But this is not to be understood in the sense of absolute necessity. There is a conditional necessity of what God foreknows or has foretold; also there is a conditional necessity of that which is useful for some end, and scandals are useful that they "who are approved may be made manifest" (1 Cor. xi. 19). Scandals are conditionally necessary, also, according to the condition of men who will not keep themselves from sin. So a physician might say, when he saw the mischievous diet of his patient, "He is bound to have a long spell of sickness;" meaning, if he do not change his diet.

Active scandal per se—i.e., when one by his word or deed intends to draw another into sin—is a special sin, not that which is per accidens, there being no such intention (direct or indirect).

For the aiming at a special end constitutes a new sin over and above the original sinfulness of the act in question. And so active scandal may be found apart from other sins, as when one scandalizes his neighbour by an act which is not sin in itself, but which has the appearance of evil.

Is scandal a mortal sin?

Passive scandal may be a stumbling only, without actual fall; this will be venial sin, as when one through the inordinate word or deed of another is moved in a venial manner only. But passive scandal may be mortal sin, as when one in such a case proceeds to actual mortal sin.

But active scandal, if it be *per accidens* (not intended either directly or indirectly), may be venial sin, as when the thing which is done is in itself venial, or has only the

appearance of evil, and is committed through some light indiscretion.

But sometimes it is mortal sin, whether because the act is in itself such, or because the salvation of our neighbour is made of no account, and one does not for the sake of that give up what he chooses to do. But if we speak of active scandal *per se*—viz., the intending to lead another into sin—it is mortal if the sin is such, or if the intention is such in him who gives scandal; but it may be venial if sin and intention are such.

In this way we may understand the Gospel (S. Matt. xviii. 6), and S. Paul (1 Cor. viii. 12).

Those who perfectly adhere to God through love take no occasion of stumbling from others' words or deeds. Much less do they give reasonable occasion for active scandal to the weak. Through human infirmity, indeed, they may fall somewhat short of the perfect standard set before them, but they do not go far away, nor so far that another can reasonably take occasion of sin from their words or deeds.

Remember, however, that one may scandalize himself (Pharisaic scandal). Consider the case of S. Peter (Gal. ii. 14); was his sin so grave that others could be justly scandalized? (Or did he fall, and repent, and return to the measure of a perfect man?)

Venial sins may be found in perfect men, but they are chiefly those sudden motions of the passions which are inward and do not give scandal. If those infirmities appear outwardly in venial sins, those sins are so light as not to have in themselves power of giving scandal.

May spiritual goods be given up on account of scandal?

There can be no question about active scandal. Sin can never be lawful. But if we speak of passive scandal, there may be a question as to what is to be given up lest another be scandalized. But among spiritual goods there are some which are necessary for salvation, which cannot be aban-

done without mortal sin. But it is manifest that no one ought to commit mortal sin in order to hinder another from doing wrong. In the order of charity man ought to place his own spiritual safety higher than another's. Things, therefore, which are necessary to salvation may not be left undone for the sake of avoiding scandal.

But in the case of spiritual goods which are not necessary to salvation, we should distinguish two kinds of scandal. For the scandal which arises from these sometimes springs from malice, when there are those who wish to hinder such spiritual goods by exciting scandals. Such were the Pharisees who were scandalized at our Lord's teachings (S. Matt. xv. 12). This sort of scandal the Lord taught us to treat with contempt.

But sometimes the scandal comes from infirmity or ignorance, the scandal of the weak. On account of this, spiritual goods may be kept hidden or even sometimes deferred when there is no imminent spiritual danger in doing so, until, further explanation having been given, the scandal may cease. But if after such explanations it still endure, it may possibly seem to come from malice; if so, spiritual goods are not to be relinquished on account of it.

(Note that argument may not put an end to scandal of the weak, however sound the argument may be. For the weak may be very weak in logic, or have their heads full of other arguments, with no room for more; or they may be so hardened in old habits that arguments run off from the surface of their minds, unable to enter any further.)

(1) But S. Augustine teaches that the discipline of sins may sometimes be passed over if there be great danger of schism (Contra Epist. Parmen. ii.). So a spiritual good, an act of justice, would be neglected on account of scandal. But I reply that punishment is not to be sought on its own account, but penalties of Church discipline are medicinal, intended to prevent sins, and they are so far just as they have that tendency. But if, through enforcing Church discipline,

manifestly more and greater sins will follow, then the infliction of penalties will not come under the idea of justice. This is the case of which S. Augustine is speaking, where the excommunication of some will probably be followed by the schism of others.

(2) But sacred truth is to be held back on account of scandal. "Give not that which is holy unto the dogs, neither cast ye your pearls before swine; lest they trample them under their feet, and turn again and rend you" (S. Matt. vii. 6). I reply that sacred truth and the teaching of it are here to be distinguished. That truth is so necessary to salvation that the contrary of it may under no circumstances be taught for fear of any scandal whatsoever which will follow the proclamation of the truth. But he whose duty it is to teach the truth will give it according to what fits the times and the persons. This teaching is one of those spiritual works of mercy of which we shall presently speak.

(3) Fraternal correction, also, is intended for the amendment of a brother, and it is a spiritual good so far as this can be attained. But if he be scandalized by it, it is not a spiritual good. Therefore, if such fraternal correction be passed by through fear of scandal, a spiritual good is not given up.

(4) But you may say that the giving of alms and the following of spiritual counsels may sometimes be left undone on account of scandal. I reply that counsels or works of mercy are not to be left undone on account of scandal, although, for the sake of the weak, they may be concealed or deferred. But sometimes the observance of spiritual counsels or the works of mercy may be necessary to salvation. There are those who have vowed to follow the counsels of perfection; there are those whose office and duty it is to assist the poor or to teach the ignorant; there are cases occurring of extreme necessity: in all such cases the principle already laid down respecting what is necessary to sal-

vation applies ; they may not be neglected through fear of scandal.

(5) But ought not one to commit some trifling venial transgression on account of some grave scandal—say, to hinder another's mortal sin ? For a man ought to hinder the damnation of his neighbour, if he can do so without loss of his own soul.

But there is contradiction in these terms. For if the thing may be lawfully done, it is not evil, it is not even venial sin ; for sin can never be rightly chosen. I grant, however, that it may happen that something which would be venial sin under other circumstances, may be no sin at all, those circumstances not being present. A jest is venial sin under certain circumstances, but if it be uttered for reasonable cause it is not an idle word, it is no sin.

Are temporal goods to be given up on account of scandal ?

Observe that a distinction must be made between what is our own and what is entrusted to our care, if we are guardians of Church property or of the goods of the commonwealth (or trustees of minors, etc.). Such deposits we are bound to preserve, and they are not to be resigned on account of scandal ; neither are those things which are necessary for human life to be given up. But as respects those things over which we have dominion, sometimes on account of scandal we ought to let them go by giving them up, or not seeking them when others have them, and sometimes we ought not to do any such thing. For if the scandal arise from the ignorance or infirmity of others (scandal of the weak), temporal goods are to be abandoned, or the scandal is to be stopped by proper admonition.

But sometimes scandal originates in malice (the scandal of Pharisees). Property is not to be surrendered on account of those who excite such scandal, because such a course would be injurious to the common good, giving occasion for robbery to the evil-disposed ; and it would be injurious

to the plunderers themselves, who, by keeping others' goods, would continue in open sin.

(1) It is true that we ought to prefer the spiritual salvation of our neighbour to any earthly goods ; but this principle can only apply to scandal of the weak.

(2) When S. Paul said : " Destroy not with thy meat him for whom Christ died " (Rom. xiv. 15), he was speaking, of course, of what is not necessary for bodily sustenance ; as again in 1 Cor. viii. 13 : " If meat maketh my brother to stumble, I will eat no flesh for evermore, that I make not my brother to stumble."

(3) Our Lord (S. Matt. v. 40) said : " If any man would go to law with thee, and take away thy coat, let him have thy cloak also." And S. Paul to the same effect (1 Cor. vi. 7). But this is said of preparedness of soul when such a course is expedient ; but sometimes it is not expedient.*

* If there is a question of positive duty, or of grave injury to self or to others, passive scandal may be permitted. But distinguish between moral precepts, including the law of nature, and purely positive law. The former may not be broken in order to avoid scandal ; the latter may be freely suspended by the higher law of charity.

It is not the sin of scandal to permit a sin in order to hinder many sins ; *e.g.*, the theft of a child or a servant permitted in order to detect and stop pilfering, or a marked letter or coin for a similar purpose.

(Qu. 1. Observance of the "Sabbath," and the use of fermented drinks, as passive scandal of the weak or the Pharisee. Sacramental wine rests on a different basis.

Qu. 2. Dances, and "low-necked" gowns ?)

PART III.—THE CARDINAL VIRTUES.

CHAPTER I.

PRUDENCE AND ITS OPPOSITE VICES.

§ 1. Prudence.

What is prudence?

It is a virtuous habit of the practical reason by which one judges rightly of the future from the past and the present. The prudent man considers what is to come as aiding or impeding what is immediately to be done. Prudence judges of the means for the end which is sought. Reason gives this counsel; on it follows the choice of the will.

There may be an application of practical judgment to some special end, making a man prudent in that special way; but prudence, taken simply, is the habit of right practical judgment respecting a good life. It is not wisdom, for that looks to the ultimate and highest cause—*i.e.*, God; but it is wisdom in a lower sense, wisdom in human affairs as human.

To prudence pertains not merely rational consideration, but its application to action. And since action is concerned with particulars, it is necessary that the prudent man know both the universal principles of reason, and those particulars in which he is to act. Those particulars may be infinite in number, but experience reduces them to a limited number of general rules applicable to most cases which occur.

This is not a question merely of observation by acute senses, but of memory and experience, which furnish the materials which practical reason uses in its prudent judgments.

Is prudence a virtue?

Recall the definition, "virtue is what makes him that has it good, and renders his work good." But the good may be viewed either as that which in itself simply is so, or as that which the agent so regards. The good viewed as such is the object of the desires. Therefore, if there are any habits which give a correct rational view, without relation to rectitude of desire, they have less of the nature of virtue, ordaining to what is materially good but not under the notion of good. But those habits which imply rectitude of desire have more of the idea of virtue in them, because they regard the good as good. Now prudence is the application of right reason to action, which is not done without right desire. Therefore prudence is not only a virtue in the sense in which the other intellectual virtues are so, but it is a moral virtue also, and numbered among them.

It is a special virtue clearly distinguished from others by its object.

As an intellectual virtue it is distinguished from the others, since wisdom, knowledge, and understanding concern necessary things; but this regards solely contingent things. So, indeed, does art; but that concerns external things to be made, as a house or a picture, while prudence is concerned with the agent and what he has to do. But it is distinguished from the moral virtues by its belonging to another power of the soul, the intellectual, not the appetitive.

Prudence does not prescribe their end to the moral virtues.

That belongs to the moral judgment, "*synderesis*;" but it is the office of the former to judge what are suitable means for the attaining of those ends. In the government of the passions by moral virtues, it judges of the means by

which the rational and happy mean may be attained which constitutes those virtues (Nic. Ethics).

Its first act is deliberative, taking counsel, inquiring what means and circumstances are suitable for the end in view.

Speculative reason may form a theoretical judgment of what should be done, along with its attendant circumstances; but practical reason goes further, in prescribing and applying to operation what has been counselled and judged. This is the principal act of prudence.

Care and vigilance follow as part of the same virtue, not only for the private good of one, but for the good of the whole community.

Can sinners have prudence?

There are three sorts of prudence.

(1) Since the prudent man is he who well arranges what is to be done for the attainment of some good end, he who skilfully fits his means to some bad end has a kind of false prudence. Thus, we may speak of a prudent thief, who skilfully manages his plans for stealing and for escape from being found out.

(2) There is another sort of prudence which fits the means to a good end, but it is imperfect; first, because the good which it takes for an end is not the common end of all human life. Such is the prudence of a merchant or a ship-captain. This is the prudence of the children of this world, who, in their way, may be "wiser than the children of light." It may be deficient in another way, when one rightly counsels and rightly judges respecting what pertains to the whole life, but does not efficaciously prescribe action to himself.

(3) But the third kind of prudence is true and perfect, which rightly takes counsel, judges, and prescribes how to attain the good end of the whole life. This sinners can-

“Integral” parts of prudence

are such virtues as (a) teachableness, by which one carefully, frequently, and reverently applies his mind to the teachings of those who have gone before him, neither neglecting them through sloth, nor contemning them through pride; (b) foresight, circumspection, *i.e.*, accurate consideration of the circumstances of action; and (c) caution, *i.e.*, careful consideration of the attendant evils and impediments of action.

Corresponding to the virtue of prudence is the spiritual gift of counsel. For human reason cannot comprehend all the particular and contingent events which may occur (especially in connection with the Christian life); and therefore his prudence needs to be directed by God aiding and perfecting it.

The Decalogue contained no command respecting prudence, because it was concerned with the dictates of natural reason, and these chiefly concern the ends of human life, not the means for those ends. But subsequent documents of the Old Testament added the means to those ends, and the perfect Evangelical doctrine instructed man in all that pertains to rectitude of life. This, therefore, said (S. Matt. x. 16), “Be ye wise (prudent) as serpents.”

§ 2. Vices opposed to prudence.*Imprudence: is it a sin?*

The merely negative absence of prudence may exist without sin; but privatively, imprudence exists when one lacks the prudence which he is fitted to have and ought to have, and this is sin by reason of the negligence through which he does not use efforts to obtain this virtue.

And, again, imprudence is to be taken in contradictory signification, when reason is moved to acts contrary to prudence, as when right reason acts after taking counsel, and the imprudent spurns counsel. In this way imprudence is a sin according to the proper idea of prudence. For a man

cannot act contrary to prudence except he turn away from those rules by which the prudent is guided aright. If this happen by aversion from Divine rules, it is mortal sin, as when one acts precipitately through contemning and repudiating the Holy Scriptures. But if the neglect of Divine rules is without contempt or detriment to those things which are necessary to salvation, it is venial sin.

(1) It may seem that imprudence is not voluntary, and therefore is not sin. And it is true that no one wills the deformity of imprudence; but yet he who wills to act rashly, wills the imprudent act.

(2) It is true that imprudence is born with man, and that the young are naturally imprudent. But this is the merely negative imprudence, which, however, is part of that lack of original righteousness which once perfected the whole soul, which deficiency is called original sin.

(3) By repentance is restored infused prudence, but not the habit acquired by experience. But the contrary act is removed in which properly consists the sin.

Various sins are contained under this, as rashness or temerity, inconsiderateness of judgment, inconstancy, and negligence.

(1) There are steps by which prudence advances, such as memory of the past, consideration of the present, sagacity in viewing the future, reflection comparing one thing with another, docility towards the judgments of elders. But *rashness* leaps over all these steps, acting under the impulse of will or passion. It is a special form of the sin of imprudence.

(2) *Inconsiderateness* is another special form of this sin, when one fails to judge rightly because he despises those things from which right judgment proceeds, or neglects to attend to them. The Lord (S. Matt. x. 19) forbade His disciples to be anxious how or what they should speak, trusting in the Divine counsel; but to neglect to do what we can, expecting Divine aid, seems to be tempting God.

(3) *Inconstancy* denotes a withdrawal from some proposed good which had been resolved upon. Such withdrawal has its beginning, indeed, in the desires, for no one changes his purpose except on account of something which inordinately pleases him. But this withdrawal is consummated by defect in reason, which repudiates what it had rightly accepted. If reason does not resist the impulse of passions when it can do so, the fault is due to its weakness, not holding firmly to the proposed good which it has conceived. Therefore the consummation of inconstancy pertains to defect of reason; *i.e.*, to imprudence. These three vices are the daughters of lust ("*luxuria*"), because sensual pleasure absorbs the mind and extinguishes the judgment of reason.

Negligence: is it a special sin?

It implies the lack of due care and watchfulness. But every defect of due acts is sin. And as that careful vigilance is a special virtue, so its opposite is a special sin (especially in those things which pertain to our salvation). The matter about which the diligence or the negligence is concerned may be any moral question, but the want of the special act of reason which is due constitutes the latter a special sin over and above any other which may be present also.

Sins of omission pertain to the outward acts which are due, and such omission is the effect of negligence, the inward sin which pertains to imprudence.

Can negligence be a mortal sin?

Holy Scripture seems to answer that question for us when it says (Prov. xix. 16), "He that is careless of his ways shall die." Negligence comes from remissness of will which is not anxious to prescribe what it ought and in the way it ought. This can be mortal sin in two ways; first, as respects that which is omitted through negligence; for

if this be necessary to salvation, whether it be an act or a circumstance of the act, there will be mortal sin. And again, if the will is so remiss regarding what belongs to God that it totally loses charity, such negligence is mortal sin, and this happens especially when the negligence follows from contempt. Otherwise, if the negligence consist in the omission of some act or circumstance which is not necessary to salvation, and if this be not done through contempt, but from lack of fervour which is sometimes impeded by some venial sin, then the negligence is not mortal but is venial.

Craftiness : is it a special sin ?

S. Paul says (2 Cor. iv. 2), "We have renounced the hidden things of shame, not walking in craftiness." That answers the question. Sin against prudence may have some resemblance to the virtue in two ways: either the efforts of reason may be directed to some end which is not truly good, but only apparent good ; or one in seeking some end, whether good or bad, may use, not the true paths, but feigned and seeming right. This is craftiness.

(1) This is not the "subtlety" offered to the simple by the Proverbs of Solomon (Prov. i. 4).

(2) A good end does not sanctify the bad means.

Guile ("dolus")

pertains to the carrying out of crafty designs, chiefly indeed by words, but also sometimes by actions. He that meditates evil, tries to find the way to fulfil his purpose, and usually the guileful way is an easier one than open violence.

Fraud

also pertains to the carrying out of crafty designs, but if we make any distinction between it and guile, it may be that fraud proper has to do with actions.

Is it lawful to have solicitude respecting temporal things?

The Lord said (S. Matt. vi. 31), "Be not anxious, saying, What shall we eat? or, What shall we drink? or, Wherewithal shall we be clothed?" Solicitude leads to anxious endeavour to obtain something. Where there is fear of failing, there is more zealous endeavour; but where there is security respecting the end, there is less solicitude. So, then, this anxiety about temporal things may in three ways be unlawful: (1) On the side of what we are anxious about, if we seek temporal things as our end; (2) on the side of the anxiety, if it be such as to withdraw a man from those spiritual things which he ought chiefly to follow; "the care of the world chokes the word" (S. Matt. xiii. 22); (3) on the side of the needless fear, when one fears lest necessities fail him through doing what he ought to do. This fear the Lord excludes by three arguments addressed to his timid disciple: first, that greater benefits, without any anxiety of his, are Divinely conferred, viz., on soul and body; next, that God provides for beast and plant without human labour; and lastly, that it is ignorance of Divine Providence which makes an infidel, an atheist, or a heathen man anxious about this world's goods.

(1) Man, by Divine ordinance, has the use of this world, but not that he may make it the end of his life.

(2) Man must work in order to live; but this is moderated care, not superfluous anxiety.

May one be anxious for the future?

The Lord answers (S. Matt. vi. 34), "Be not anxious for the morrow." No work can be virtuous unless it be clothed with due circumstances, among which is the fit time. "There is a time to every purpose which is under the heaven." Each day brings with it its own proper care, the time to plant or the time to reap. If in the time of planting one is anxious about the harvest, that may be the superfluous care which the Lord prohibited. "Sufficient

unto the day is the evil thereof;" i.e., the trouble and care.

This does not prohibit prudence with respect to the future, providing what is needed for the future, since Christ Himself taught us that by His example (S. John xii. 6).

These vices of craftiness, guile, fraud, and inordinate anxiety are especially the daughters of avarice.

CHAPTER II.

JUSTICE AND INJUSTICE.

(See Supplement, Chapters IV. and V.)

§ 1. Right.

Right (jus) is the object of justice, for it is what is just.

Now it is peculiar to justice among the virtues that it ordains man in those things wherein he is related to another man. Other virtues perfect him in what belongs to himself; but in just action, the right considers not only the agent, but also another person. For that is called just action in which there is a certain relative equality, as when work is paid for with its due wages. The just action does not necessarily regard the manner in which the thing is done (*e.g.*, whether freely or not). And thus justice is distinguishable from other virtues.

Because justice implies a certain equality, and we can recompense God by no equivalent for His bounty, properly speaking, justice is between man and man; yet justice tends to this, that man requite His Heavenly Father as much as he is able, by entire subjection of his soul to God.

Right is either natural or positive right.

One thing may be adequate to another, (1) according to its very nature, as when any one gives as much as he has received. This is natural right. (2) It may be adequate or commensurate according to some compact or common agreement, when one deems himself compensated if he receive so much. This may be either a private agreement between two individuals, or it may be by public consent, the

whole people, with or without legal ordinance, agreeing that some one thing is adequate and commensurate to another.

(1) But it might be objected that what is natural is immutable, and is the same among all men; but no such thing is found in human affairs, because all the regulations of human right are defective in some cases and do not prevail everywhere. And this is true of what has an immutable nature; it must be always and everywhere the same. But man's nature is mutable, and so what is natural to man can sometimes be deficient. Thus it is naturally just and equal that what has been left in our charge be returned to its owner; and if human nature were always what it should be, this law would be immutable. But because it sometimes happens that the will of man is depraved, a case may occur in which such deposit is not to be returned; say, if a madman or an enemy of the republic demand the arms which he has left with us.

(2) Another objection, whose solution will help in clearing up the matter. Positive right proceeds from human will; but such a thing is not necessarily just; otherwise the will of man could never be unjust. I reply that the will of man, by the common consent of the people, can make something to be just where there is no natural repugnance to natural justice. Positive right is concerned with such things. "The legally just is that which in the beginning might have been thus or thus, and it mattered not which. But when it is decreed, then it does matter" (Nic. Eth. v. 7). But if anything has in itself repugnance to natural right, it cannot be made just by human will; say, if it be decreed lawful to steal or to commit adultery. "Woe unto them that decree unrighteous decrees" (Isa. x. 1).

(3) Divine right (*jus divinum*) is divisible in the same way. It is what is promulgated by God. But that is partly what is naturally just, though its justice may not be seen

by all men ; partly what is made just by Divine institution.

In Divine law, accordingly, some things are commanded because they are good, and others prohibited because they are bad ; but some things also are good because they are commanded, and others bad because they are prohibited (a very noteworthy distinction).

What is jus gentium ?

The law of nature (*jus naturale*) is what nature teaches all animals, as the union of male and female, and the bringing up of children (Instit. i., tit. ii.), but the *jus gentium* is what natural reason has established among all men, which needs no special institution, and is found among all nations.

The rights of a father in respect to his children, and of a master over his servants, are to be distinguished from simple right. Servants and children are, as it were, a part of father and master (*i.e.*, their time, work, etc., are not absolutely their own). As human beings, they have their individual rights ; but as under another, justice, taken simply, does not express what is their due, but an imperfect justice based on their peculiar relations to father or master. For the relation is not the simple relation of one person to another, but is based on the special relation in these cases.

§ 2. Justice.

Justice is a constant and perpetual will to render to every one his right (Instit. i., tit. i).

Justice is a virtue which concerns our relations to others.

Its seat is in the will. It pertains to this virtue to rectify human actions, establishing an equality in the relations of one to another. This rectification makes a man so far good and his work good, which effect ranks justice among the virtues. And it is a virtue of the will, not of the intellect, because it does not direct our knowledge but rectifies

our action. It is not a virtue of sense-appetite, because that does not consider our mutual relations, nor is it capable of being disposed to render every one his right.

Distinguish general justice, "legal justice," from private or particular justice.

Justice ordains man in relation to others. But this may be in relation to another individual, or to the community of which he is a part. As a general virtue it orders the acts of all virtues for the common good, just as charity orders them for Divine good, and this is also a general virtue. I call this general justice "legal justice" because by it man is in harmony with law, whose function it is to direct man's actions for the common good.

It is distinct from the virtues which it orders for the common good, because they have their immediate end, which is different from this higher end of the public good which general or legal justice gives them.

But man also needs to be ordered in his actions towards other individuals; hence there is also particular (or private) justice. Its special object is not the inward passions, which need other rectifying virtues, but those outward actions and those outward things by which men have intercourse with one another. Inward passions, in their effects—*sc.*, outward operations—may extend to others, but they do not in themselves so extend; this is peculiar to justice.

Justice is not directly concerned with the passions of the soul.

This we have already seen; the subject of justice is the will; its matter, the things in which we are related to one another. But further explanation may be given of the relation between justice and inward passions. Actions are intermediate between outward things which are the object of those actions and the passions from which those actions spring. Sometimes there may be defect in one of those

without defect in the other; as if any one take another's property, not with desire of getting it, but with a wish to do him harm; or, conversely, if he desire what is another man's, but does not will to steal it. The rectification of actions, therefore, so far as the outward part is concerned, belongs to justice; but the rectification of those actions in the inward part belongs to other moral virtues which are concerned with the passions. Thus justice prevents stealing as being against that equality which is to be preserved in outward things; but liberality prevents it as it proceeds from immoderate lust of riches.

It is especially legal justice, which is ordained for the common good, which extends to the inward passions of the soul, since the good of the whole is the end of each member of the whole. But even legal justice is chiefly concerned with the outward operations of those virtues which concern the passions, such actions coming within the scope of law. So law may punish cowardice, intemperance, cruelty, etc., if they show themselves in action (Nic. Eth. v. 2).

The proper act of justice is to render to each one what is his.

Justice is præminent among moral virtues.

This is manifestly true of general, legal justice, because the common good is of more importance than the good of any individual. But even particular justice has the same præminence for two reasons; first, it is in the nobler part of the soul, the rational appetite—i.e., the will; while the other moral virtues belong to sense-appetite and its passions. And, in the second place, while those virtues have for their object the good of one person, justice aims also at the good of another. Justice ranks even above liberality; for in considering the common good, the former extends to all who are related, while liberality does not; and liberality which gives of one's own must be founded on justice which gives what is due.

§ 3. Injustice.

Is it a special vice?

There are two kinds of injustice. The first is illegal, opposed to legal justice. This is a special vice, for it has a special object; *sc.*, the general good which it contemns. But in its aim it is rather a general vice than a special one; for through contempt of the general good man can be led into all kinds of sins; and all vices, as repugnant to the general good, have the nature of injustice, are derived from it.

The other kind of injustice is based on inequality towards another, when one wishes to have more of good things than is just—say, riches and honours; and fewer evils—say, labours and losses. In this way injustice has its own special matter, and is a special vice opposed to private justice.

Private injustice is opposed, indeed, indirectly to all virtues, as regards their outward acts. Thus it is opposed to chastity in the act of adultery, to kindness in the act of homicide, etc.

Who is an unjust man?

Not always he who does an unjust action. For, first, if he did not intend to do an unjust thing, the action does not make him unjust *per se*, but *per accidens*. The action is unjust, but it is not unjustly done; it is not a wrong, an injury (*ἀδίκημα*). Secondly, the wrong may proceed from some passion, as anger or concupiscence; or it may be deliberately done, when the wrong *per se* gives pleasure. In this latter case it proceeds from a habit. But to do an unjust action from intention and choice is the mark of an unjust man. He is called unjust who has the habit of injustice. But unintentionally, or from passion, one may do an unjust action without having a habit of injustice.

Can any one willingly suffer wrong?

“*Scienti et volenti non fit injuria.*” A man properly and *per se* does that which he willingly does; and he

properly suffers that which he suffers contrary to his will ; because so far as he is willing, he is rather active than passive. No one, then, can, properly speaking, do a wrong unless he wills it, nor suffer a wrong unless he be unwilling. But, *per accidens*, and according to the "material" part of the action, one can unwillingly do that which is *per se* unjust, as when he acts against his intention ; or he can willingly suffer an injustice, as when he of his own will gives to another more than is due.

(1) You may say that one can "rob himself," so violate equality, and suffer injustice. But when any one of his own free will gives another that which is not due, there is neither injustice nor inequality. For a man has property through his own will, and so there is no "injury" when anything is subtracted from it according to his own will, either by himself or by another.

(2) But you may say that civil law punishes nothing which is not unjust ; and yet it deprives suicides of honorable interment. So one can willingly do injustice to himself. But I reply that man has a two-fold position in this world ; and one of these positions concerns himself alone ; and so, if he does any harm to himself, it may be some other sin, as intemperance or imprudence, but it is not injustice.

But also man may be considered as a part of society, or as the creature and image of God. And so he who kills himself does an injury to the state and to God. Therefore both Divine and human laws inflict a penalty.

(3) Another objection. No one does an unjust thing unless there be some one who suffers that injustice. (The two are correlative.) But he may do an unjust thing to one who wills it, as when he sells a thing for more than it is worth. So it seems that one can willingly suffer injustice. But I reply that in the doing and the suffering an unjust thing, we may look at the "material" part, the outward action considered in itself. In this respect, the

doing and the suffering are always concomitant. But again we may look at the will and intention, the "formal" part of the action. In this regard one may do an unjust thing intending to do such a thing, and yet the other may not suffer injustice because he willingly allows the action. (Thus, in a case of fraud in a bargain, one may pay the excessive price, intending to make a donation of the excess to the cheat.) And, conversely, one may unjustly suffer, because he unwillingly suffers that which is unjust; and yet he who does the action will not be acting unjustly, because he is ignorant of the nature of what he does.

Whoever does an unjust action is guilty of mortal sin.

He directly violates the law of God; his act is opposed to charity, through which is the life of the soul. For every injury done to another is repugnant to charity which wills another's good.

(1) What shall we say of ignorance? Ignorance of the fact, of the circumstances, merits pardon; but ignorance of the law does not excuse (the laws of justice can generally be known by one who wills to know them). But he who ignorantly does an unjust thing, does so only *per accidens*.

(2) What shall we say of very trifling acts of injustice? Possibly some such thing may not be, properly speaking, perfect injustice at all; for it may be considered to be not altogether contrary to the will of him who suffers it; as if any one take an apple or some such thing, when there is probably no harm done, nor any displeasure resulting if the act be known.

§ 4. Judgment.

Judgment is the definition or determination of what is just and right.

But that any one well determine anything in virtuous acts proceeds from a habit of virtue; and therefore judgment is an act of justice. It is an act of reason, indeed,

perfected by prudence, but a fit disposition for judging rightly is also requisite; and so, in what pertains to justice, judgment springs from the virtue of justice, as in what pertains to courage it comes from that virtue. "He that is spiritual judgeth all things" (1 Cor. ii. 15), because from charity he has the disposition to judge rightly all things according to Divine rules, through the gift of wisdom; as the just man, through the virtue of prudence, pronounces judgment out of the rules of right.

But the meaning of the term judgment is amplified to embrace right determination in any things whatsoever, and in other virtues the judgment of him who is virtuous in their regard is required. But when we speak of justice, judgment is used in its restricted and proper meaning.

Is it lawful to judge?

It is plainly lawful so far as it is an act of justice. But this requires three things: (1) It must proceed from the disposition to be just and to do just actions; otherwise it is against the rectitude of justice; it is perverse and unjust. (2) It must proceed from due authority, not from judging in things where one has no such right; otherwise it is usurped judgment. (3) Judgment must be made according to rational prudence. When certitude is lacking, as when one judges about doubtful or secret things by some light conjectures, such a judgment is rash and suspicious. Whichever of these three requisites is lacking, the judgment is illicit and vicious.

(1) The Lord said, indeed (S. Matt. vii. 1), "Judge not, that ye be not judged." But He prohibits rash judgment, or that which is not of good will, but from bitterness of spirit.

(2) S. Paul, also, said (Rom. xiv. 4), "Who art thou that judgest another's servant? To his own master he standeth or falleth;" which seems to indicate that God is the only

judge. But judgment may be made by "the minister of God" (Dent. i. 17).

(3) But the apostle seems to say, again (Rom. ii. 1), that it is not lawful for a sinful man to judge; and all are sinners. And this is true when the judge's sins are open and similar, or greater; for great scandal arises from such judgments. But when the sins are not notorious and official duty requires, he can rebuke or judge with humility and fear. He does not thus condemn himself with new condemnation, but he shows himself worthy of condemnation for the same or like sin.

Is judgment from suspicion illicit?

Suspicion is an evil opinion of another based on light indications or proofs. And this arises in three ways: (1) He who is himself an evil-doer, conscious of his malice, easily forms a bad opinion of others. (2) He may be ill-affected towards another, and, despising or hating him, or being angry or envying him, he forms his opinion from trifling proofs, because one easily believes what he desires to be true. (3) Suspicion results from long experience. "The old are most suspicious, because they have had most experience of others' deficiencies" (Arist. Rhet. ii. 13). The first two causes of suspicion manifestly pertain to perverse affections; but the third cause renders the judgment less that of suspicion, inasmuch as experience gives more of certitude. Suspicion, then, implies a certain vice, and the further the suspicion proceeds, the greater the sin. But there are three grades of suspicion: (1) A man from light indications begins to harbour doubt about another's goodness. This may be light and venial sin, for it pertains to those human temptations from which life cannot be free. (2) One from light indications may hold for certain the wickedness of another. And if this be in a grave matter, it is mortal sin, for it implies contempt of our neighbour. "If we cannot avoid suspicions, since we are men, yet we

can and we ought to restrain definite and fixed judgments."

(3) A judge out of suspicion may proceed to condemn another. This is directly an act of injustice, and a mortal sin.

(1) It is true that in particular and contingent things we can never have absolute certainty; but we can have that moral certainty which results from suitable proofs.

(2) Suspicion, being only in the opinion of the mind, may seem to be doing no injury; but if one without sufficient cause has a bad opinion of another, he unduly contemns him; therefore he does an injury to him. (See 1 Tim. vi. 4.) The inward judgment, as it is related to the outward judgment, pertains to injustice in the same way in which anger is related to homicide. (The one may be venial, the other is mortal sin.)

Doubts respecting another's wickedness are to be decided in the more favourable sense (unless we simply suspend judgment, and "judge not at all").

For we have no right to condemn or do injury to another without the most cogent reasons.

(1) It may happen that he who puts the most favourable interpretation on others' words and actions is oftenest deceived. But it is better that one be frequently mistaken in having a good opinion of a bad man than that he be more rarely mistaken in having a bad opinion of a good man. For injury is done to another by this, but not by the first error.

(2) It is one thing to judge of things, and quite another to judge of men. For in judging about things, there is no good or evil done to the thing, in whatever way we may judge of it. It is only the good of the judge which is in question; the good, if he judge rightly; or the evil, if he judge falsely; because the true is the good of reason, and the false is its evil. And therefore each one ought to strive to judge of things precisely as they are.

But, in judging men, the good and evil is chiefly on the side of him who is judged, who is deemed worthy of honour if he receive favourable judgment, and worthy of contempt if he be judged unfavourably. Therefore in such judgment we ought to aim to judge a man to be good unless manifest reason for the contrary appear. And if we err in our favourable judgment, the error does not pertain to the evil of reason, for its perfection is not found in knowledge of particular contingent things ; but the error rather pertains to well-constituted affections. We are not now considering the application of remedies for spiritual diseases. There we may assume the worse condition, since the remedy which fits that graver disease will suit still more the lighter one.

Written laws.

These are made to set forth either natural right or positive right, but not both after the same manner. For written law contains natural right, but does not create it ; it gets its force, not from the law, but from nature ; whereas written law both contains and establishes positive right, giving it its authority and binding force. Judgment, then, must be made according to such law, otherwise it would fall short either of natural justice or of positive justice.

(1) Laws, indeed, are sometimes unjust. But, since law gives no force to natural right, it cannot take away or diminish the force of that right, because man's will cannot change nature. Therefore, if law contain anything against natural right, it is unjust, and creates no obligation of obedience. Positive law comes in where it makes no difference as regards natural right whether the action be done in one way or in another. Unjust laws, so called, are properly no laws at all, but rather corruptions of law.

(2) No law can comprehend all particular events. In some cases, if the law-maker were present, he would judge contrary to the letter of the law. The best laws, laws per-

fectly just, fail to meet some cases. If they were observed in those cases they would be contrary to natural right. In such cases judgment is not to be given according to the letter of the law, but recourse is to be had to that equity which the law-maker was bound to intend. "No consideration of right or benignity of equity endures, that what was beneficially introduced for the good of mankind should, by severer interpretation, be used against the advantage of those who are subject to law." If a just law-maker had considered such cases, he would have determined them by just law. (In doubtful cases, recourse is to be had to those who have authority to interpret, to judge, to decide.)

Usurped judgment.

Since judgment is to be given according to law, he who does so interprets the law in applying it to the particular case before him. But it belongs to the same authority of government to make law, and to interpret it (by practical application enforcing it). Therefore, as law can only be made by public authority, so judgment can only be given by the same. And so, as it would be unjust that any one should compel another to observe some regulation which was not sanctioned by public authority, so it is also unjust that any one should compel another to submit to judgment which has not the same sanction.

§ 5. Commutative and distributive justice ; restitution.

Divisions of justice.

There are two species of particular justice, commutative and distributive ; for justice, in this sense of the word, directs each individual as part of the community. Now part may be related to part—*i.e.*, one individual to another ; and commutative justice directs the relations which one man bears to another (as in buying and selling, and similar contracts).

But another relation is that of the whole to the several

parts ; that which belongs to the whole community in its relations to particular persons. Distributive justice directs this relation, assigning the common goods (honours, rewards, etc.) according to a certain proportion in dignity and merits.

In distributive justice the equality of one thing to another is not considered, but the proportion of things to persons; so that, as one person exceeds another, what is given to the one exceeds what is given to the other.

This is the reason why Aristotle spoke of a *geometric* proportion in distributive justice (Nic. Eth., v. 3). For the equality is not that of two things, but of two ratios (A's merits are to A's share, as B's merits are to B's share).

But in exchange, something is given to one person on account of what he has himself given. And, therefore, the one thing must be equal to the other, as in buying and selling ; and if one have more of the other's goods than is equal to what he has given, commutative justice requires him to make restitution of the excess. And so a sort of arithmetical equality is established.

If we consider punishments, retributive justice, in this light, we shall notice that in actions and passions the condition of the persons concerned contributes to the quantity of the thing ; for greater injury is done when a person holding official station is struck than when a private person is so injured.

We may examine commutative justice somewhat more in detail.

Justice, as we have seen, is concerned with outward operations ; *sc.*, distribution and exchange. These operations concern some external things, or persons, or services ; things, as when one takes away or restores another's property ; persons, as when one injures another's person by striking or slandering him, or on the other hand pays him

proper respect ; and lastly, services which may be justly demanded from another or rendered to him.

In the exchanges between two persons which commutative justice directs, some are voluntary, some are involuntary. They are involuntary when one uses the property, the person, or the service of another against his consent, secretly through fraud, or openly through violence. Secretly one may take another's property, and we shall have the crime of theft ; or it may be done openly, which is robbery. Personal injustice may be directed against one's own person, or against those who belong to us ; it may be directly against our person, or against our honour and reputation. The person may be secretly injured, as by treacherous murder—*e.g.*, poisoning and the like—or by open violence. Honour and reputation may be secretly injured by detraction, backbiting, etc., or by public abuse, false witness, etc. Through those belonging to us we may be injured by secret adultery, or by enticing from our service those who owe their work to us.

Voluntary exchanges are of very numerous kinds. If one simply transfer his property to another without any obligation so to do, as in a gift, it is not an act of justice, but of liberality. Justice implies something due, some kind of debt ; as in buying, selling, hiring, etc. (See, further, Supplement, Chapter VI.)

Restitution is an act of commutative justice.

To restore is to put another in possession or dominion of his own property, according to the equality of justice, whether the thing has been possessed with the owner's knowledge and consent, as in a loan or deposit, or without that knowledge and consent, as in theft and robbery. (It is either a returning of the thing received, or compensation for loss.) It is not the mere giving back of a material thing, which may be a donation ; it implies the obligation to do so, the returning what is justly another's.

The first meaning of restitution has to do with outward things which remain the same, and whose dominion can be transferred from one to another. But a secondary signification of the word transfers it to actions or passions which concern the honour or injury, the benefit or harm of persons. The action may not remain, but its effects abide ; e.g., the slanderous word passes away, but the loss of a good name is a permanent loss, and demands restitution so far as that is possible.

To restore that which has been unjustly taken away is an indispensable requisite of salvation.

For only the just man can be saved, and restitution is an indispensable act of justice. "Render to all their dues. Owe no man anything but to love one another" (Rom. xiii. 7, 8).

(1) Sometimes complete restitution is impossible, as when a limb or even life itself has been destroyed. But where the equivalent cannot be returned, as in the case of the honour due to God or to parents, there the obligation is limited to what is possible. The loss of a limb cannot be fully recompensed, yet justice will demand pecuniary compensation or other restitution, according to the circumstances of the case.

(2) It is objected that one man may take away another's good name by saying what is true concerning that other ; and he cannot restore a good character without telling a lie. But there are three ways in which a good name is taken away : (1) When the truth is justly spoken, according to the due order of things, and restitution is not due ; (2) when the words spoken were false and unjust, and the restitution of a good name is bounden duty, by a frank confession of the error ; (3) when the truth was spoken, but unjustly, as when any one betrays the crime of another without due warrant for so doing ; and he is bound to restore the good name, so far as is possible, without telling a lie. One may

truly say that he ought not to have spoken in such a way ; that he unjustly injured the other's character ; or, if he cannot restore a good character which he has taken away, and which every man is entitled to until it is lawfully taken away, he is bound to make other compensation.

(3) Sometimes what is done cannot be undone ; unjust insult cannot be directly repaired. Yes ; but its effects which remain—*sc.*, loss of respect before men—may be partly repaired through special exhibition of reverence. This is partial restitution.

(4) Suppose one hinder another from obtaining some good—say, a lucrative office ; it is like taking it away. Is he bound to make restitution ? Oftentimes that would be impossible. I answer that one might be justly kept out of this office for the honour of God, or the good of the Church or of the commonwealth, in order that a more worthy person should get that dignity. Of course, in such a case no restitution is called for nor any compensation. But this may be unjustly done, as through hatred, desire of vengeance, unjust prejudice, etc. ; and, then, if the worthy be hindered before it has been settled that he shall have the office, some compensation is due according to the circumstances, but not full restitution, because there might have been other hindrances to getting the office besides this one. But if the matter have been settled, and any one for improper causes procure that the appointment be revoked, it is all one with his taking away the good which the other has, and equal restitution is obligatory, or compensation to the extent of his ability.

Is it sufficient simply to restore what has been unjustly taken away ?

Two things are to be considered. First, there is inequality as respects the thing in question, which sometimes can exist without injustice, as when you hire a thing which is to be returned with additional compensation for the use of it.

So far the remedy for the unjust taking is restitution, which restores equality.

But there is, secondly, also the fault of injustice, which can exist without the actual taking away; as when one intends to use violence, but does not succeed in his attempt. The remedy for this fault is a penalty inflicted by the proper judge. Therefore, before condemnation by such a judge one is not bound to restore more than he has received; but after condemnation, he is bound to pay also the damages imposed.

Is any one ever bound to restore what he has not taken away?

Whoever causes loss to another may be said to take away that in which the loss is caused, whether he himself gets any advantage from his action or not. And, therefore, a man is bound to restitution as far as he has caused loss. (See, in Supplement, the case of the possessor in bad faith, chap. v. § 3.) But there are two ways of causing loss. First, that may be taken away which one actually has. Such loss is always to be restored with equal recompense. Thus, if any one cause loss by destroying the house of another, he is bound to as much as the actual damage. But, secondly, one may cause loss to another by preventing his obtaining what he was in the way of getting. Such damage is not to be recompensed according to equality in the thing, because that might be giving more than the existing state of things demanded. A future possibility is worth less than a present reality ("a bird in hand," etc.). Some compensation, however, is due according to the condition of persons and things. Thus, if a field be injured which has been already sown, the indemnification is not equal to the entire crop expected from that field.

Restitution is to be made to the one who has less than his own right through the unjust taking away.

But (1) the thing restored may be evidently very injuri-

ous to the receiver or to some one else, as if a drunken man's revolver should be put into his hands, because it belongs to him. In such a case restitution is not to be made, because it is ordained for the benefit of him to whom it is made. But also he who detains another's property, even in such cases, has no right to appropriate it to himself, but he is bound either to preserve it in order to restore it at a fitting season, or else to hand it over to some one else for safer keeping.

(2) But it may be said that he who unlawfully gives anything does not deserve to receive it back ; and sometimes one unlawfully gives what another unlawfully receives, as in bribery or simony. Therefore restitution is not always to be made to the person from whom a thing has been received. But one wrongfully gives anything in either of two ways. The giving itself may be wrong and contrary to law, as in giving with intent of bribery or simony. Such a giver deserves to lose what he has given. He has no claim for restitution ; but because he who receives does so wrongfully, he ought not to keep anything for himself, but to devote it to charitable uses. In another way, one gives wrongfully, because he gives for a wrong purpose, although the giving itself is not unlawful. (Query, the giving part of one's claim on government, when demanded by officials as a condition for just payment of the same ?) A penitent prostitute would not be required to give back all which she had received, however shamefully and wickedly.

(3) Sometimes it is impossible to make restitution to the very person concerned, because he is dead, or too far removed, or is not known (as in common frauds in trade). As respects the unknown, if diligent inquiry give no information, the poor are to be the heirs of that unknown owner, an offering being thus made for the good of his soul. If he be dead, his lawful heirs take his claim for restitution. If he be far distant, there is ordinarily, in these days, no diffi-

culty in sending to him, or, at least, in notifying him, that his rightful claim is waiting his order.

(4) One ought first to recompense those from whom, as from parents, he has received the greater benefits. Such benefits are far more than the worth of a loan or a deposit. So it may be said ; but benefactors cannot be recompensed from others' property. If you have what is another's, that is first to be returned, except, perhaps, in case of extreme necessity of that benefactor, for " necessity knows no law."

Is he who has received what is another's always bound to make restitution ?

He who has sinned is always bound to make satisfaction for his sin. But restitution is a satisfaction ; therefore it is always obligatory. But this principle requires further explication. When one has received what is another's, two things are to be considered ; the thing received, and the act itself of receiving. As regards the first, one is bound to restore it, as long as he has it, because what he has over and above what is his own ought to be taken away from him and given to him to whom it belongs. This is required by commutative justice.

But the taking of the thing may have either of three conditions. For (1) sometimes it is an injury when the thing is taken against the will of him who has lawful dominion of it, as in theft and robbery. And then the taker is bound to restitution not only by reason of the thing, but also by reason of the injurious action, even if the thing be no longer in his possession. For as he who strikes another is bound to recompense that other for the injury, although he himself have now no result from the wrong which he has done, so he who steals or robs is bound to recompense for the loss sustained, even if he have no benefit remaining from the wrong ; and, besides, he ought to be punished for the injury done.

(2) In another way, one receives another's property for his own advantage without doing any injury, as when he

hires a piano. And then he who receives is bound to restitution not only by reason of the thing, but also of the receiving, even if he have lost what he borrowed. For he is bound to recompense the one who has given him a benefit, which recompense would not be paid, if loss were incurred by the lender.

(3) In the third way, one receives what is another's without injury, but not for his own benefit, as when a bank takes charge of valuables belonging to depositors. He who so receives is not bound by reason of the receiving; rather he confers a favour by doing so; but he is bound by reason of the thing. Therefore, if the thing be taken from him without any fault of his, he is not bound to make restitution; but it would be otherwise if he should lose it through gross negligence.*

May those who have not taken be bound to restore?

One is bound to make restitution not only by reason of the thing which belongs to another, but also by reason of injurious taking of it. And, therefore, whoever is the cause of that unjust taking is bound to make restitution. He may be the cause directly or indirectly. He is directly the cause when he induces another to do the wrong. This direct coöperation may be (1) by exhorting or commanding; (2) by counselling; (3) by consenting openly, or (4) by praising such an act; (5) by sheltering him who unjustly takes what is another's, or by giving him assistance; (6) by participation in the theft or robbery, or whatever the wrong may be, or by sharing its fruits.

Indirectly he is the cause of the unjust taking when he does not hinder it, although he can do so, and ought to do so, either because he (7) keeps back the command or counsel which would have prevented the wrong, or (8) because he withholds his aid which would have prevented it, or (9) because he conceals the fact.

* See, further, Supplement, on Restitution, chap. v. § 8.

Five out of these nine modes of coöperation require restitution ; and, primarily, command, because he who gives his order is the first mover in the act, and he, therefore, whether he give his order openly or tacitly, is chiefly bound to make restitution ; next, consent, in the case of him without whom the wrong could not have been committed ; thirdly, sheltering the wrong-doer ; fourthly, participation in the act or in its fruits ; and lastly, not hindering when duty or office requires it. Thus the official guardians of justice are bound to restitution if through their negligence wrongs are multiplied.

In the other cases enumerated restitution is not always obligatory, for it is not always the case that advice or approbation is the efficient cause of the wrong. If it should be so, however, the adviser or the applauder before the wrong is done, incurs the same obligation.*

* Formal coöperation is joining in the bad intention ; material coöperation is affording to another opportunity for sin, while your action is not conjoined to his in will and intention. Material coöperation only may be given provided that (a) your act is good, or, at least, indifferent ; (b) your motive is good ; (c) the bad effect is compensated by immediate good (see note on scandal, page 260). But consider also (d) whether you cannot hinder another's sin, or are not bound in charity to do so ; (e) how great the sin is ; (f) the probable effect of your refusal upon the sinner ; (g) how near to the sin your coöperation will be ; (h) what right you have to do what is in question ; (i) how far the sin does injury to others ; (k) is there serious loss to yourself in refusal ?

(Qu. 1. Communicating those privately known to be unworthy ? 2. Working a distillery or other property frequently abused ? 3. Liquor sellers ? 4. Church lotteries ? 5. Paying part of your rightful claim on government to a committee on claims in order to secure the rest ? 6. A clerk of a corporation is bidden to violate a law of the nation which is habitually violated by other corporations also, and he is bidden to withhold endamaging documents from the inspection of the court ? 7. Paying a legislator in order to secure the passage of a necessary bill ?)

In general, observe that some things minister directly to sin ; in these intentional coöperation may be "partaking of other men's sins." But other things may not be directly sinful which are often abused. Herein, when the coöperation does not violate the law of justice as laid down

(1) It is not only he who executes the act, but he who in any way is the cause of sin, who is a sinner.

(2) He is principally bound who is principal in the act; viz., first, the one who orders, and, next, the one who executes the command; then the others in their turn. But if one restore to him who has suffered the loss, the others are released from this obligation. But those who are principals in the act, and have its fruits, are bound to restore to the accessories, if those have made restitution.

But if any one give a command of this nature which is not executed, there is no such obligation, since its object is principally to make right the loss incurred unjustly.

It may be said that no one is bound to expose himself to grave danger in order to preserve another's property, such danger as might be incurred by arresting or resisting a robber. But these are cases also which do not always demand restitution. It is the official guardians of the law (judges, military, police) on whom the obligation rests.

When is one bound to make restitution?

As taking another's property is sin against justice, so also in the text, it may or may not violate the law of charity. (Duct. Dubitant., IV. i. Rule 11).

And civil law certainly has the right to interfere and forbid what, otherwise lawful, is frequently abused.

In common law criminal coöperation is participation in some way in the felonious design. But if counsel is given for one crime, and another, different in object and not merely in circumstances, is committed, the counsellor is not responsible. An accessory after the fact is one who conceals the offender or aids him to escape.

(Qu.: Suppose that he is a near relative? Common law makes no exception of such a case; does moral law?)

Compounding of felony is punishable by common law, and is an insult to justice; but assaults and other similar misdemeanours (*e.g.*, trespass) may be compounded (Blackst., iv. 33, 38, 133).

Conspiracy, by common law (modified in the United States), is an agreement to commit an act injurious to health, morals, trade, commerce, or law. But if there be no felony, there must be some overt act to constitute it a crime.

is retaining it. For the owner is wrongfully hindered from its use and injury is done to him. It is not permitted to abide in sin for any length of time ; therefore every wrongdoer is bound to make immediate restitution, if he can, or else to ask a delay from him who can grant the use of the thing in question.

(1) Affirmative precepts, it is true, do not oblige at all times, but this obligation is also negative : "Thou shalt not retain what is another's."

(2) No one is bound to what is impossible ; but he ought to ask for remission or delay respecting the obligation, either personally or through another who will not expose the unknown injurer.

The old law of wages expresses the universal rule in this matter (Lev. xix. 13), "The hire of the labourer shall not abide with thee until the morning."

CHAPTER III.

SINS OPPOSED TO JUSTICE.

§ 1. Respect of persons.

Is it a sin?

That question is answered by the Divine law (Deut. i. 17), "Ye shall not respect persons in judgment." It is opposed to distributive justice, whose equality requires that diverse benefits be given to diverse persons in proportion to their worth. But, instead of merits or fitness something else may be considered ; as, in bestowing office, wealth or relationship, or party claims, and the worthiness of the candidate may be totally left out of view. This is "respect of persons." The person may have claims of one kind when he has none of another kind. Consanguinity may constitute a claim as an heir, when it gives no claim to civil or ecclesiastical office. And what is respect of persons in one relation, is not so in another. The question is not of worthiness simply—say, a good moral character—but of worthiness relatively to the honour bestowed.

And since respect of persons violates the proportion which distributive justice requires, it is evidently a sin.

The greater the matter in which justice is violated, the greater the sin.

And since spiritual things are more precious than temporal things, respect of persons is a greater sin when Church offices are bestowed than it is in "politics." Yet the distinction just made is to be remembered. For he who most abounds in the spiritual gifts of grace is simply and in himself the most worthy ; but relative worthiness has relation to the common good, as in the choice of a bishop. He

who is less holy and less of a theologian may be able to contribute more to that common good on account of his executive ability or power of influencing men, etc., etc. And since spiritual offices are ordained for the common good, it may be no respect of persons to prefer him who is less advanced in a holy life to one who is more advanced.

But if the reason for preference is not germane to the matter, the law of God is broken (S. James ii. 1)—“Hold not the faith of our Lord Jesus Christ, with respect of persons.”

What shall we say of honour and reverence?

One may rightly receive these not only on account of some merit of his own but for another's sake, even if he be in himself unworthy, as magistrates and prelates, who represent God and the community over which they preside. So also parents and masters are to be honoured as in a certain way participating in the dignity of Him who is Father and Lord of all. Old age is venerable as a sign of virtue, although that virtue may be absent. Riches may be a mark of higher station in the community (or possibly of eminent talents of an honest sort); but if the rich man is honoured solely on account of his riches there is the sin of respect of persons (S. James ii. 1).

The judge is corrupt who allows respect of persons to influence his judgment.

§ 2. Homicide.

Notice, first (and especially with reference to an old Manichean error reviving in certain quarters), that it is lawful to kill the brutes for food of man.

In the natural order of things, the less perfect is for the use of the more “developed.”* Plants are for the use of

* This argument might be questioned, unless it could be maintained that carnivorous animals stand higher in the scale of being than those whose food is vegetable.

animals; the brutes for man's use. And food is among the chief uses. Vegetable life, accordingly, is destroyed for the food of herbivorous animals; and beasts, according to Divine ordinance (Gen. ix. 3), for the food of man.

Brutes have not rational life, so as to govern their own actions; their nature constitutes them instruments for the use of rational creatures, including food.

Is capital punishment right?

Every part of an organized whole is ordained for the good of that whole. If the health of the whole body of a man require the amputation of some member of it, because it is mortified and is corrupting the other parts of the body, it must be cut off. And each individual in society is a part of the whole community. Therefore, if any man through his crimes be dangerous to the community, corrupting its most vital existence, he is laudably and rightfully killed in order that the common good may be saved. "A little leaven leaveneth the whole lump" (1 Cor. v. 6).

(1) The Lord (S. Matt. xiii. 29) commanded that the tares be spared in order that the wheat might not be injured by rooting out the weeds. Something like this may happen in times of widespread anarchy or rebellion, when the extermination of wrong-doers will involve many innocent persons in their fate, so that they cannot be put to death without grave injury to the common good. But this case is an exception to the law that public safety may require the execution of criminals.

(2) Human justice, as far as possible, imitates the Divine; and God sometimes defers His penalty of death, giving time for repentance, and sometimes cuts off the transgressor in the midst of his sin. Human justice, in like manner, cuts off those who are most pernicious to others, but gives them space for repentance, and spares others whom it may hope to reform, who have not injured society so gravely.

(3) It may be true that, considered in itself, it is wrong

to take human life, because we are bound to love all men, even sinners. But a man, naturally free and existing for himself in the dignity of a man, may reduce himself to bestial slavery (Ps. xlix. 20). A man may become worse and more injurious than a wild beast; and he is as justly cut off from life.

Such was the Old Law (Ex. xxii.), and such is the Gospel law (Rom. xiii. 4).*

Is it right for a private person to take human life?

To kill the malefactor is right as ordained for the preservation of the life of the community; therefore, in every organized and civilized community, this office belongs exclusively to those who have the care of the common good.

But killing a murderer or horse-thief is very useful to the community, and may not any man do what is useful for the common benefit? I answer that he certainly may, provided that he do harm to no one. But if this doing good to the community requires the doing harm to some part of that community, it must be through the judgment of one who has the charge of that community.† Lynch law in organized communities is an offence against the state and against God.

Is suicide lawful?

It is mortal sin for three reasons. (1) It is unnatural, contrary to natural self-love, and to charity, which requires that each one love himself as the creature and image of God. (2) Man belongs to the community, and in killing

* The subject of capital punishment may call for fuller treatment in our day than S. Thomas Aquinas found it to require in his age.

† The physician is guilty of mortal sin if he be confederate in producing abortion. (Qu.: Suppose that he judge this to be the only means of saving the mother's life? Suppose that for this end he destroy an unborn child at parturition?)

himself he inflicts an injury on the community of which he is a part. (3) Life is a gift from God, and subject to His power only, whose are the issues of life and death. Therefore he that deprives himself of life sins against God.

(1) In one way it is a sin against charity, but in relation to the community and to God it is a sin against justice.

(2) Even a malefactor is not judge or executioner in his own case.

(3) Perhaps the most plausible argument for suicide in certain cases is that since it is lawful to incur a less danger in order to avoid a greater one, one's own death may be a less evil than misery or disgrace, and be rightly chosen instead of the worse condition. But I answer that free-will makes man master of himself, and he can lawfully dispose of himself so far as those things are concerned which are ruled by his free choice. But the passage from this life to a better one is not subject to his free-will but to Divine power. So it is not lawful for a man to kill himself in order to go to Paradise. Similarly, also, it is not lawful to commit suicide in order to escape the miseries of this present life, for its last and greatest evil is the death of such a being as man is. Suicide is choosing a greater evil in order to escape a less one. (This argument, taken singly, hardly seems to reach the case of shortening incurable sufferings.) Likewise it is not lawful to kill one's self on account of sin committed, both because he cuts short his time for repentance, and because he is not judge in his own case of the penalty to be inflicted for his sin.

In like manner, it is wrong for a woman to kill herself in order to escape violation. For she ought not herself to commit the greatest crime in order to avoid another's crime. It is the mind, not the body, which can be polluted.

Again, one may not kill himself to escape temptations, for we may not do evil that good may come or evil be avoided. And, further, this apprehended evil is an uncertain one, for God is able to preserve in the hour of trial. ●

Judge and jury must proceed according to evidence, even if they have private information that the evidence is false.

If they find the innocent guilty of a capital offence, it is not they who kill the innocent, but those who bear false witness against him. The private information is to be used in another quarter (*sc.*, the executive).

The sheriff and the executioner are simply the ministers of justice, and if there be no manifest injustice in the sentence, their private knowledge does not affect the question of their duty. It is not they who kill the innocent if he suffer by a regular sentence of law.

Is it lawful to kill another in self-defence?

An act may have two effects, one of which is intended, the other being aside from the intention. But moral acts get their specific character from the intention of the agent. Now, from the act of self-defence two effects may follow; viz., the preservation of one's own life and the killing of the assailant. An act of this nature, if its aim be the preservation of life, is not illicit, because self-preservation is nature's first law. But such an act, with good intention, may become illicit if it be not proportionate to the end (exceeding that end in any manner, or deviating from it). Therefore, it is wrong if any one in self-defence use greater violence than is absolutely necessary. One is not bound to neglect a moderate defence in order to avoid the killing of another, for a man is more bound to preserve his own life than that of another man. But it is illicit to intend to kill another without public authority. With that authority a man may refer his act to the public good and intend to kill, as soldiers do in time of war.

When the apostle (Rom. xii. 19) says, "Avenge not yourselves, but give place unto wrath," he prohibits that defence which has the motive of revenge, as the shooting a burglar while escaping.

Accidental homicide.

What is casual is neither intended nor voluntary. And because every sin is voluntary, casual actions as such are not sins.

But it may happen that what is not actually and *per se* willed or intended, is so *per accidens*, because whatever removes hindrances is in that way a cause of the consequences. Hence, he who does not remove those things from which homicide results, when he ought to remove them, incurs in some manner the guilt of voluntary homicide. This may happen either when one is engaged in illicit acts which he ought to avoid, or when, being lawfully employed, he does not use due diligence. In either case, if from his action the death of a man result, he does not escape the guilt of homicide. But it is otherwise if he be engaged in lawful business and use due precautions. Accidental death is not imputable to him.*

§ 3. Theft and robbery.

The natural right of property.

The Psalmist says (Ps. viii. 6), "Thou hast put all things in subjection under his feet;" *i.e.*, man's feet. Man's ownership of external things is a law of nature. But those things may be viewed, first, as regards their own nature; and this is not subject to human power but only to the Divine. But also we may consider the *use* of things, and so man has natural dominion over them, because through reason and will he can use them for his own benefit as if they were created for him. And this natural dominion over other creatures, which belongs to him as endowed with reason in which is found the image of God in man, is set forth in the very creation of man (Gen. i. 26).

But this dominion goes further; it is the right of individual personal property—that is to say, first, man has the right to manage and dispose of outward things, his personal

* See further, Supplement, Sixth Commandment, chap. iii.

possessions. This power is necessary in the proper conduct of human life, for three reasons: (1) Every one is more solicitous in managing what belongs to himself alone than in that which belongs to everybody, because, shunning needless labour, he leaves to another that which is everybody's business; (2) human affairs go on more orderly when each has his own business to manage, while there must be confusion if every one indiscriminately attend to everything; (3) in this way greater harmony is likely to be preserved when each knows what is his and what he has to do with it.

In the second place, this dominion gives the power to use external things. In this respect man has no right to treat them as if they were exclusively for himself alone; he is bound to use them as the common possession of all, being ready to communicate them for others' necessity (1 Tim. vi. 18).

(1) Communists say that by the law of nature all things are common, and that "property is robbery." But I deny that natural right dictates that all things be held in common, and that nothing shall be held by any one as his property. But I grant that any existing distinction of possessions does not rest on the law of nature, for it is a matter of human arrangement; it rests on positive law. Property is not contrary to natural right, but things are divided as they are now distributed according to what is superadded to the law of nature (*sc.*, according to *jus gentium*).

(2) The rich man does not act wrongfully in keeping what in the beginning was common to all, if he also share with others in the fruits of his possessions; but he sins if without distinction he exclude others from the use of them.

What is theft?

It is the secret taking of what is another's. The unjust keeping of what is another's is an injury of the same kind, and to be included in the same general title.

Both theft and robbery imply involuntary loss; but in the one the loser is ignorant of the act of taking, in the other he loses through violence.

Is theft always a sin?

It is so, first, because of its opposition to justice which renders to every man his due, his own. And, secondly, it is a sin because of the sinful guile or fraud which the thief employs.

What shall we say of one who finds what is not his own, and secretly takes possession of it? Is he a thief? What is found may never have had an owner, as uncut gems and pearls; or it may have been lost so long that no claimant of the property can be found. Then it naturally belongs to the finder, unless civil law limit his right; but it is limited only after judicial sentence.

Again, the finder may sincerely believe that the thing has been abandoned by its recent owner; he is no thief if he keep it after due inquiry. Otherwise the keeping is undoubtedly theft.

Is theft mortal sin?

The apostle (1 Cor. vi. 10) says that thieves shall not "inherit the kingdom of God." Theft is opposed to charity, because it does harm to our neighbour, and if it were universal human society would perish. As contrary to charity in which is the spiritual life of the soul, it is mortal sin.

What is to be said of stealing trifling things? They may, possibly, be so trifling that if the owner knew of the act he would not think that it did him injury, and he who takes can presume that his doing so is not against the owner's will. So far there may be no mortal sin; but if he have the intention of stealing and doing harm to his neighbour, the theft of even little things is mortal sin. So is even consent to the thought of doing so.*

* See, further, Supplement, chap. v. § 2.

Is it right to take another's property in case of extreme necessity?

Human law cannot derogate from natural or Divine right. Now, according to the natural order instituted by Divine Providence, the things of this world are ordained for the supply of man's necessities, and the division and appropriation of things, which are based on human law, cannot hinder man's necessities from being relieved in this way. Therefore what some have in superabundance, by natural right is due to the support of the needy. "It is the bread of the hungry which thou keepest; the clothing of the naked which thou shuttest up; the redemption of the miserable is the money which thou usest in 'speculation'" (S. Ambros., Serm. 64, De Temp.).

But because the needy are many, and all cannot be assisted by the same things, the dispensing of such things is entrusted to the owner of property that he may do his share in relieving want.

If, however, there be urgent and extreme necessity (peril of life), then one may rightly relieve his need from another's goods without waiting for the owner's permission, and this is not robbery or theft. Such necessity makes to be his own what he immediately needs to save his life. And in case of similar necessity on the part of his neighbour which he himself is unable to relieve, he may do the same for his brother. (Restitution, however, must be made when that necessity is passed.)

Robbery.

This implies violence and compulsion through which another's property is taken from him. But in society no private individual has this right, but only public authority; therefore whoever, acting as a private citizen, takes another's goods by violence is a robber. Executive authority is the guardian of justice, and can use violence and coercive force only according to the prescriptions of justice in fighting

against public enemies, or punishing malefactors. What is taken through such violence is not robbery, since it is not contrary to justice. But unjust taking by those who use public authority and so pervert it, is robbery, and the wrong-doer is bound to make restitution like any other thief or robber.

In war, fighting for plunder and lawless depredation are common forms of robbery which demand restitution.

Why is robbery a graver sin (and more severely punished) than theft?

First, because there is more of the involuntary in the former on the part of him who is deprived of his own ; and, secondly, there is not only the loss of goods, but great probability of personal disgrace or injury (and natural consequences add to the gravity of a crime).

§ 4. Injustice in legal proceedings.*

Is it right for a judge to act contrary to what he privately knows?

He is vested with public authority and acts officially ; therefore he must judge by what he officially knows, not by his private information. He follows public laws, Divine or human, as the case may be, against which he can admit no arguments. But in the special case before him he has testimony of various kinds, which is the sole ground of judgment. His private knowledge will guide him in searching more strictly the evidence, and perhaps indicate where additional evidence is to be found ; but his final decision can rightly rest only on the testimony officially laid before him.

God alone judges with proper authority ; human judges have only delegated power, and are bound to restrict themselves to its limits.

* A large part of the author's discussion of questions bearing on this topic is suited to a different state of society from ours, and is therefore omitted.

Is a man bound to bring crimes of which he has knowledge before the cognizance of the proper tribunal?

There is this difference between fraternal denunciation, of which we have spoken above (page 227), and accusation, that in the former the amendment of a brother is the aim, but in the latter the punishment of crime. But the penalties of this present life are not sought for on their own account, because in this world is not the final retribution; but they are medicinal, contributing either to the amendment of the criminal, or to the good of the commonwealth, whose good order is sought for in the punishment of criminals. Therefore, if the crime were such as tended to the public detriment, a man is bound to make accusation of the criminal, if he have sufficient proof of the offence. And this detriment may be either bodily or spiritual. But if the sin be doing no injury to state or Church, as the case may be, or if there be not sufficient proof of the crime, there is no obligation of bringing accusation, for no one is bound to that which he cannot carry through in due manner.

This principle applies to laymen in their relations to the priesthood, and to priests in their relation to their bishop, if all be done out of charity.

Friendship is no bar to duty in this respect. To reveal secrets and cause evil to a friend is against fidelity, but not if they be revealed on account of the common good, which is to be preferred to any private good. Therefore no secret may be kept (even though secrecy has been promised) to the injury of the community. Besides, that is not altogether secret which can be proved by sufficient testimony.

But injustice may insinuate itself into accusation in the form of malicious calumny imputing crime falsely, or as prevarication, when the nominal accuser fraudulently attempts to impede the course of justice; or as tergiversation, when he totally desists from what he has begun (being frightened or bought off).

May the criminal accused plead not guilty?

(Here S. Thomas has in view the criminal process of most European, especially southern, countries. The accused is bound in justice to answer truthfully all questions lawfully asked, or, at least, not to tell a lie. But he may refuse to answer, or appeal to another court. But under Anglo-Saxon institutions the plea of "not guilty" is, no doubt, understood to be the demand for the production of evidence in the case, a demand which every accused person may rightly make.)

He is not bound to confess his guilt

before a human court; he may defend himself by concealing facts in all proper ways, using no guile, fraud, or lies, because his public condemnation can justly occur only under due process of human law and clear evidence. He is not bound to give any assistance in this.*

Is it lawful for one who is condemned to death to resist if he can?

S. Paul says (Rom. xiii. 2), "He that resisteth the power, withstandeth the ordinance of God; and they that withstand shall receive to themselves judgment;" therefore he seems to sin. But distinction must be made between just and unjust condemnation. The latter is akin to the violence of robbers, and may be resisted unless grave scandal is to be avoided, or serious disturbance is feared. But it is quite otherwise if the sentence of condemnation is a just one.

(1) It is true that nature inclines every one to make resistance in such a case, but reason and conscience are

* By parity of reasoning, his advocate in court can defend one whom he knows to be guilty, because that is doing injustice to no one; and the question is not of sin, but of legal *crime*. (Qu.: In civil cases, may he advocate an unjust claim? The cases are not parallel, and he is certainly bound to discourage needless or injurious litigation.)

given to man that he may govern his nature. Not every kind of defence is lawful.

(2) No one is bound to do that whence death may follow, but merely to submit to the just sentence of the law. He is not bound to remain in prison if a way of escape is open; but he may not resist the authority which executes the sentence of the law.

Is a man bound to be a witness in court?

His testimony may be demanded by an authority which, in matters of justice, he is bound to obey. Doubtless he is then bound to bear witness in those things in which according to rightful order he is required to give testimony. Such a case is one of manifest wrong—*i.e.*, a wrong which can be proved—and one which public infamy has preceded. But if his testimony be demanded in other cases—say, secret crime, or one where there is no public infamy—he is not bound to testify. Even if the truth be not brought to light, it may be that no one incurs any special loss in consequence.

But, demanded or not demanded, his testimony may be needed to liberate a man from unjust penalty, loss, or infamy; then charity requires him to testify. And even if his witness be not required, he is bound to do what in him lies to bring the truth before some one who can be of service to the accused.

What shall we say of things confidentially communicated to any one?

What is heard in confession can in no case be revealed, either in court or under any other circumstances. The priest knows it, not as he is a man, but as he is the minister of God. This bond is greater than any commandment of men.

But with respect to things otherwise confidentially communicated, a distinction must be made. For there are things which a man is bound to make known as soon as they come to his knowledge, such as corrupt the spiritual

or corporal well-being of the community, or work grave loss to some person. Such things a man is bound to divulge by testimony or denunciation; and no secret or confidential communication can excuse from this obligation, because it pertains to the fidelity which we owe, as part of charity, to the community and to our brother who is injured.

But other things are privately known (as by legal counsellors, physicians, etc.) which no command of a superior can warrant our revealing; because keeping faith is a law of nature, and nothing can be commanded by man which is contrary to natural right.

Is bearing false witness always mortal sin?

False witness has a three-fold depravity; first, from the accompanying perjury, which is always mortal sin; next, from the violation of justice, which is mortal in its kind, like any other injustice, and so says the commandment, "Thou shalt not bear false witness against thy neighbour;" and, lastly, from the falsehood contained, for every lie is a sin. In this last respect the false witness may possibly be a sin which is not mortal (the false witness being thoughtlessly given, harming no one, and not intended to do so).

Of course one may not assert as of certain knowledge that of which he is not certain. But from failure of memory one may think himself certain of that which is false, and if he have used due care he does not mortally sin in asserting it. He does not intentionally bear false witness, but it is accidental and contrary to what he intended. But if he afterwards discover the falsity of his testimony, he is bound to retract it if he can do so without serious loss; otherwise he is bound to make compensation for any loss incurred through his false witness.

Does a lawyer sin who defends a cause which he knows to be unjust?

It is illicit to coöperate with another in doing evil,

whether by counselling him, or aiding him, or consenting in any manner. The apostle (Rom. i. 32) specifies it as an added sin, "knowing the ordinance of God, that they which do such things are worthy of death, they not only do the same, but also consent with those that practise them." Now, a lawyer gives aid and counsel to him whose cause he undertakes (the argument evidently applies only to civil cases, not criminal ones), and he is bound to make restitution of any loss which the opposite party unjustly incurs. (But a case may be doubtful, and, his client being informed of the uncertainty, the lawyer may go on with the case. Criminal cases evidently stand on a different basis; for just condemnation can only be that which is legally established. Not the actual guilt, but the proof of that guilt, is the question before the criminal court.)

The lawyer may possibly show his skill by winning in a bad case, as a physician shows his skill by curing a desperate disease. But the two are not parallel, for the lawyer unjustly injures the opposing side.

If, in the course of the trial, he discover that he has no case, he is not bound to assist the opposite side by betraying what is confidentially communicated to him, but he ought to withdraw or try to effect a compromise.

§ 5. Injurious words.

Contumely.

One man may dishonour another by depriving him of some excellence for which he is duly honoured, which is done by such deeds as have been discussed above (pages 297 ff.). But, also, he may bring forward to his notice and that of others what dishonours that other, and this is contumely. It properly consists in such injurious words, but the same thing also may be effected by equivalent actions. In this way injurious loss may be produced; viz., injury to honour or that respect which is due from others. Therefore the contumely is greater which is spoken in the pres-

ence of many ; but even if it be uttered to the one insulted alone, it may be an injustice regarding the respect which is due.

Insults and taunts are offences of the same kind, for all call attention to some defect in detriment of honour. But while contumely refers to mental defects, insult may apply to bodily defects. If one injuriously call another hump-backed, it may be insult ; if he call the other a thief, it is contumely, also ; while taunts may refer to station, as poverty or servitude ; *e.g.*, if one injuriously remind another that he was aided by public charity.

Is contumely or insult a mortal sin ?

The Lord said (S. Matt. v. 22), " Whosoever shall say to his brother, Thou fool, shall be in danger of hell fire," which is the due of mortal sin only. Words are more than sounds ; they are significative sounds, and their meaning proceeds from the mind and heart. Therefore, in sins of words we must especially consider the intention. Insult or contumely properly consists in the intention to derogate from the due honour of another ; and this is no less a mortal sin than theft or robbery. (" Who steals my purse," etc.) But if one has spoken insulting or contumelious words, not with a view to dishonour, but for correction or something of that kind, it is not, properly speaking, formal insult or contumely, even though the words will bear that construction (" materially") ; and this may be venial sin or no sin at all. But discretion and caution are necessary, because the reproach may be so severe as injuriously to affect the honour of him against whom it is uttered, and then a man may sin mortally even though he did not intend to dishonour his brother ; just as criminal negligence may cause serious bodily injury and make one responsible for the consequences.

(The satisfaction which penitence requires, is special and public signs of honour and respect.)

(1) Even reproaches in joke may be vicious, if they tend

to the same result and "hurt the feelings" of the one so insulted.

(2) The Lord's example, when He said, "O fools, and slow of heart to believe" (S. Luke xxiv. 25), shows that reproaches for the sake of discipline or correction are admissible under the due limitations demanded by our own imperfection.

(3) Since these sins depend upon the mind of the speaker, they may be venial, when the reproach is a trifling one and not greatly dishonouring a brother, uttered from some levity of mind or angry haste, without any fixed purpose of robbing another of due respect and honour. (Notice here the violent words of many of the lowest class in the community, especially of angry women reviling one another without any serious intention.)

Should one endure contumely uttered against him?

The same patience is required in what is spoken against us as in what is done against us. But the precepts of patience refer to the preparation of soul. One is not always bound actually to follow the letter of the Sermon on the Mount; for the Lord who said, "Whosoever smiteth thee on thy right cheek, turn to him the other also," did not do this when He rebuked the smiter and said, "Why smitest thou Me?" Contumelious words and injurious actions are to be treated in the same way. We are bound to have a mind ready to bear reproaches and insults if it be expedient so to do. But sometimes it is inexpedient, and the insult should be repelled, either for the good of the insulter himself, that his impudence may be repressed and that he may not try the same course with others, or for the good of others, that our influence over them be not hindered by the contumely uttered against us and apparently with our consent.

(1) It may be an obligation of charity, not the lust for private honour, which moderately represses the insulter.

Hence the two opposite proverbs (Prov. xxvi. 4, 5), "Answer not a fool according to his folly, lest thou also be like unto him. Answer a fool according to his folly, lest he be wise in his own conceits."

(2) One ought not to tolerate insult offered to another ; his repressing it is more likely to proceed from charity to his brother ; and there is certainly no lust of his own honour.

Contumely is one of the fruits of immoderate anger.

Detraction.

As contumely corresponds to robbery, so detraction to theft. For the one is open injury through words, the other is secret injury of the same kind. Honour is not directly attacked, but a good name is taken away, since those who hear form a bad opinion of him who suffers detraction. The end is different then, as well as the means employed. But the two may be united, as when one openly but falsely accuses another of a crime, or truly, but still publicly, charges that which is secret.

The special distinction, then, is that while contumely is said to a man's face, detraction is uttered when he is absent and ignorant of it, whether it be uttered before many or to one alone.

It is not necessarily diminishing the truth, but it is lowering another's good name. This can be done directly or indirectly ; directly, in four ways, by imputing what is false, by exaggerating what is true, by exposing what is concealed, by imputing bad intention to what is rightly done ; indirectly, by denying another's good action, by maliciously keeping silence, by diminishing the merit of his action, or approving it in such a way as to have the same effect.

Is detraction a mortal sin ?

In Rom. i. 30 backbiters are placed among those who are worthy of spiritual death. And the taking away any

person's good name is gravest injury, because in this life there is nothing more precious, and the loss of it hinders a man from well doing his work in life. Therefore detraction is *per se* a mortal sin.

But sometimes it happens that words are spoken which are injurious to some one's character, when not this but something else is intended. This is not "formal" detraction (which consists in the evil intention), though it is outwardly ("materially") such. And if the words spoken are uttered for some necessary good, the due conditions being observed, it is not detraction nor sin at all. These conditions are : (1) No more is revealed nor to any more persons than is necessary for avoiding the evil or attaining the good ; (2) the revelation will probably have a good result ; (3) it is done with good intention ; (4) the good sought for or the evil to be averted is of serious consequence.

Detraction is naturally the child of envy.

Is it grave sin to listen approvingly to detraction ?

It is sin to consent to another's sin (Rom. i. 32) ; and this is done either directly or indirectly ; directly, when one leads another into sin, or takes pleasure in it ; indirectly, when one does not oppose it, being able to do so ; not through taking pleasure in the sin, but through fear of man.

So if any one listen to detraction without opposition, he seems to consent to the detractor, and becomes a participator in his sin. But if he induce any one to be guilty of detraction, or take pleasure in it because he hates the one injured by the detraction, he sins no less than the detractor, and sometimes more than he ; more, when he sins against charity in the sin of scandal towards the detractor, as well as against justice towards the one defamed.

But if the sin does not please him, and he is silent through fear or negligence or diffidence, he sins indeed, but much less than the detractor, and in general venially.

But sometimes even this may be mortal sin, when official duty requires the correction of the detractor, or grave danger results from the keeping silence, or when the fear of man is itself a mortal sin.

The detractor may be saying what is true ; he cannot be resisted by denial of the facts, but either he can be charged with his sin of detraction, or, at least, it can be shown to be offensive to the listener, by expressive silence, by leaving him, or by changing the subject of conversation.

The “make-bate” (*susurro*) uses the same means with the detractor ; but his object is a different one, for he aims by his malicious whisperings to break up friendships, and therefore he selects such seeming evil things to say as may tend to this end. This tale-bearing is even a graver sin than detraction or calumny, because the injury done to our neighbour is the measure of the sin against him, and a friend is the most precious of outward things.

Derision.

Mocking at another is intended to put him to shame. The different end marks a special sin, different from those just described. This “laughing to scorn” is directed at some evil, some defect. But a great evil is not treated jestingly, but seriously. Hence, if any such thing is made subject of derision, it is treated as a small thing in its kind, small in itself, or relatively to the person. But when any one turns the evil or the defect of another into ridicule, because it is in itself trifling, the sin is venial. But this derision may imply contempt of the person ; *sc.*, that his evil is of no more consequence than a child’s or a fool’s. This great contempt and dishonour constitute a graver mortal sin than contumely. Gravest of all is mocking at what belongs to God in any special way. In the second place stands the sin of deriding parents, who are entitled to the highest earthly reverence. “The eye that mocketh at

his father . . . the ravens of the valley shall pick it out, and the young eagles shall eat it" (Prov. xxx. 17). Next in order comes derision of the just, since honour is the reward of virtue, and such derision hinders others from imitating the virtuous actions of the one derided.

Cursing.

Malediction is speaking evil of another. Consider, therefore, the three modes of speaking it; and, first, simple enunciation of evil, which has been already considered in its various forms. There remain, then, commanding and wishing evil, respecting which observe that what may be done, may be wished; and, conversely, what may be lawfully wished, may lawfully be done. If any one command or wish another's evil as evil, intending that evil, it is the sin of cursing, properly speaking. But if any one command or wish the evil of another as a good, it is not a sin, it is not cursing. Now this good may be justice, and so a judge lawfully utters his malediction on him whom he sentences for crime, the Church anathematizes heretics, and the prophets in Holy Scripture imprecate evil on sinners, conforming their will to the Divine justice, although imprecations of this kind may be understood as declaratory.

Or, again, this good which justifies the wishing of evil may be utility, as when one wishes that a sinner may suffer some of the consequences of his ill-doing, in order that he may be made better, or at least cease from harming others.

(1) The apostle (Rom. xii. 14) said, "Bless, and curse not;" but cursing proper, *i.e.*, with evil intention, is what he prohibited.

(2) It may be said that man cannot know the mind of another, nor whether he is cursed by God; therefore he ought only to pray for all. But the sinner's heart is revealed by some manifest sin, for which penalty is to be

inflicted by the command which speaks evil against him. And in like manner, although it cannot be known whom God will curse with final reprobation, it can be known whom He is cursing for the guilt of a present flagrant crime.

Is it mortal sin to curse another ?

To command or wish evil to another, which is cursing him, is in itself a violation of charity which requires us to will our neighbour's good, and therefore it is mortal sin ; and so much the graver as the person cursed is entitled to more love and respect. "Every one that curseth his father or his mother shall surely be put to death" (Lev. xx. 9). But the words uttered may be venial sin, either on account of the insignificant evil which is wished, or because the words are uttered in jest or thoughtlessness or sudden surprise. For sins of words chiefly depend on the inward affection of the soul.

§ 6. *Frauds in trade.**

Is it lawful to sell a thing for more than it is worth ?

The great law of the Gospel is, "Whatsoever ye would that men should do unto you, even so do ye also unto them" (S. Matt. vii. 12). This answers the question ; for no one wishes a thing to be sold to himself for more than it is worth. To employ fraud in order that a thing may be sold for more than a just price, is altogether sin because our neighbour is deceived to his loss. But if there be no fraud, then we may speak first of buying and selling as they are in themselves. They are instituted for the common benefit of both parties to the contract ; each needing or desiring what the other has. But what is undertaken for the common benefit ought not to burden one side more than the other ; the contract should be equal. But the quantity of those things which serve man's physical needs

* See Supplement, Chapter on Contracts.

is measured by the price, for which purpose civilized nations have used coined money. And therefore if the price exceed the value of the thing, or the value exceed the price, just equality is destroyed. Therefore, to sell a thing for more than it is worth, or to pay for it less than it is worth, is in itself unjust and illicit.

But we may speak of buying and selling as accidentally they turn to the benefit of one and the detriment of another. For example, one much needs to have a thing and the other is hurt if he go without it. In such a case the just price will depend not only on the thing itself but on the loss to the seller. And so he can lawfully sell for more than the market price, though he may ask no more than the thing is worth to himself. But if the thing be greatly needed by the buyer, and he who sells incur no special loss by the sale, the latter is not warranted in going above the highest market price, because the benefit derived by the other does not depend upon the seller, but on the condition of the buyer. Of his own accord the buyer may choose to give some bounty in such a case, but the seller has no right to trade in another's special need.

(1) Civil law may tolerate and recognize such unjust bargains as we have been speaking of, because laws are made for a multitude of unjust dealers. Therefore human law cannot prohibit everything which is contrary to virtue ; it suffices that it prohibit what destroys intercourse. Other things it may allow, not as approving them, but simply as not finding it expedient to punish them. Buying too cheaply and selling too dearly may escape punishment or restitution if there be no fraud in the contract or the excess be not too outrageous. But Divine law leaves no injustice unpunished. Before that tribunal all inequality of justice is condemned, and he who has gained too much is bound to recompense him who has suffered loss, if the loss be a notable one. And I add this because the just price of things is not exactly determined, but depends on fluctuat-

ing opinion, so that a moderate addition or subtraction may not destroy a just equality.

(2) It is a very common desire, that of selling dear and buying cheap. But its being general does not show it to be natural, for vice is common to many who follow the broad way of sin.

Defects in the thing sold render the sale illicit and unjust.

Defect is (1) in the substantial character of the thing. If the seller know it, he is guilty of fraud in the sale, the sale is plainly illicit. The contract between the parties is null through defect of consent.*

(2) Defect is in the quantity as measured, and if any one knowingly use deficient weights or measures, he is guilty of fraud, and the sale is illicit. Of such injustice the Lord said (Deut. xxv. 16), "All that do such things, even all that do unrighteously, are an abomination unto the Lord thy God."

(3) Defect, again, is in the quality of what is sold, as in selling an unsound animal for one sound in all essential respects. If knowingly done it is fraud, and illicit. In all such cases the injustice done demands restitution.

But if the seller be ignorant of the defect, his action, indeed, is not sinful injustice (since the evil intention is absent, it is a "material," not a "formal," injustice); but he is bound, if damages are demanded, to recompense the buyer for his loss (unless the sale is at the buyer's risk).

What has been said of the seller is equally true of the buyer. The seller may be ignorant of the substantial character of what he is selling—*e.g.*, selling a real diamond under the impression that it is only paste. If the buyer know the fact, he acts unjustly in his getting possession of the valuable thing and is bound to make restitution. The

* See, further, Supplement, Contracts, chap. vi. § 2.

same principle applies to defect in quality or quantity ; *e.g.*, stealing a long ride on the railway, with a ticket for a shorter distance.

Is the seller bound to disclose the defects of the thing sold?

There are two moral principles which govern the answer to this question : first, it is always unjust to afford another man occasion of danger or loss ; secondly, it is not necessary that a man always give aid or counsel for the benefit of whatsoever person he has dealings with. (This may be an act of charity, but we are now considering what justice demands.) This is an obligation in some determined cases ; *e.g.*, when you are responsible for the other's action, he being under your charge, or when the other needs assistance and he can get it from no other. But the seller, in offering a defective thing for sale, if its defect be of such a nature as to cause loss or danger, violates the first law of natural justice just indicated. He gives occasion for loss if he subtract nothing from the price of the inferior article but demand full value for it. He gives occasion for danger if the defect hinder or render unsafe the use of the thing, as in selling a saddle-horse that shies, or adulterated medicines or food. If such defects are not manifest to the buyer, and the seller does not disclose them, the sale is illicit and fraudulent, and the seller is bound to make compensation for the loss.

But if the defect can be readily discovered by a buyer using ordinary precaution, as when the horse sold is blind in one eye, or when the defect makes the article useless to the seller, but others may have use for it, and if the seller duly reduce the price demanded, he is not bound to call attention to the defect, because the buyer might then demand too great a reduction in the price. So the seller may guard himself against loss by keeping silence respecting defects.

(1) Suppose that you say that the buyer is not under compulsion ; the thing is submitted to his judgment, and

the other is not bound to supply him with judgment for his bargain. But there can be no judgment where a thing is not manifest. One judges according to what he knows. So there is an essential difference between manifest defects and those which cannot be detected by ordinary observation. If the seller does not call attention to the latter, the thing is not sufficiently presented to the buyer's judgment.

(2) But why should any one stand in his own light, impede his own business? It is not necessary to make public proclamation of faults and keep off buyers; but natural justice requires that in pointing out the good qualities of what he offers for sale, he also indicate hidden defects which may cause loss or danger to another. Even so, he is not bound to thrust moral advice on every one whom he encounters; but if his own acts threaten moral danger to others unless he tell the truth concerning them, he is bound to give proper explanation of them.

(3) But a man may have private information that the article for which he is demanding a high price will shortly be cheaper because a large supply is coming on the market; and yet he is perfectly just in demanding that high price, without giving others information which would lower the price. What, then, is the difference between that case, and the one which we are now considering? I answer that it is precisely the difference between the present and the future. The existing defect makes the present value of the thing less than its apparent value. In the other case, the value is going to be lower; but in just contracts *de præsenti*, the question is of the market value for the day, not of some coming day, unless the bargain be explicitly in "futures." This being true, the buyer also may have private knowledge that prices are shortly to go up; he is not bound to publish that information.

Finally, what makes it just to buy cheap and sell dear?

The mere lust for gain is criminally base, knowing no

honorable or necessary terminus, but stretching out *ad infinitum* to a vicious end. But gain, which is the object of buying and selling, has in itself no such vicious end, for it may be merely the means for necessary or virtuous ends, as the support of a family or the doing good to the community. Moderate gains of trade so sought for, not as an end but as the rewards of labour, are certainly lawful and honourable. (The author seems to overlook the service which is done to the community by bringing the producer and the consumer into relations of mutual service. This benefit is conferred by "middlemen," by wholesale and retail trade, which is certainly entitled in justice to its fair profits.

The author's discussion of usury is omitted. His argument concerns the lawfulness of profit for the use of money, and he regards the prohibition of such "usury" among the Israelites as a universal law against what is simply unnatural and evil. The lawfulness of demanding compensation for loss on the part of the lender is only glanced at; compensation for the risk of losing the loan is left out of view.)

§ 7. Omission.

Sins of omission.

As transgression, implying contempt of negative commands, is a special sin, so is omission, as implying contempt of affirmative commands. It implies neglect not of every good, but of that good which is due. But the good viewed as a debt, pertains to justice. Hence, in the way in which justice is a special virtue, omission is a special sin, distinct from the sins which are opposed to the other virtues; it is the neglect of that good which justice commands.

Omission is sometimes involuntary, as when one has lost what he is bound to restore, or when a priest is hindered from fulfilling his duties. But omission proper is only of that due good to which one is bound. Now, no one is bound to the impossible, nor is there sin of omission in not doing what one is unable to do. (The sin of omission

consists in not willing, not saying, not doing what one is bound to will, to say, to do, having the requisite power thereto.)

When does this sin of omission begin ?

Is one sinning all the time in which he is not doing what is obligatory ? The sin of omission is opposed to affirmative precepts, which command the good. But such precepts do not bind at all times so far as action is concerned, but at a determined time, place, etc. And at that time the sin begins. At that time, it is true, he may be unable to act, and if that inability be not his fault he does not neglect what is due. But if that inability proceed from previous fault—say, negligence in taking care of what he is bound to restore—that negligence is the cause of the sin of omission ; but this latter sin begins, not with the negligence, but with the determined time for restoring, or whatever the neglected duty may be. But the omission is voluntary, since its cause is so ; therefore it is a sin.

CHAPTER IV.

RELIGION AND VICES OPPOSED TO IT.

§ 1. Introduction.

In a very general sense every virtue contains the idea of what is due to Divine or human law.

So viewed, justice embraces them all. But, as a special virtue, it regards the good as what is due to our neighbour, as general justice is concerned with what is due to the community or to God. In both of these, avoiding the evil and doing the good are integral parts. In doing the good, in acting justly, equality in relations is established as far as is possible. In shunning the evil, in avoiding injustice, such equality is preserved.

Virtues annexed to justice.

Since justice is relative to another, all virtues which imply such relation may be connected with it; yet they may fall short of the perfect idea of virtue as it is found in the chief virtue of this class, which is justice, the giving to others what is due and the full equivalent of what is due. Other virtues may give what is due without giving all that is due. (1) First, all that man can render to God is due, but he cannot render as much as he ought. *Religion*, then, is a virtue annexed to justice.

(2) Parents cannot be recompensed fully for what they have done. *Filial piety* is an imperfect form of justice.

(3) Man cannot recompense virtue as it deserves. Outward respect and honour ("*observantia*") is an imperfect form of justice.

But virtues annexed to justice may fall short of it, also, as regards the idea of what is due. Morally due is what one owes according to the propriety of virtue. It may be so necessary that without it an honourable life cannot be preserved. On the part of the one who owes this obligation, the duty is that he show himself in words and deeds such as he is in reality. (4) Truthfulness is annexed to justice.

Or, on the part of the one to whom the debt is due, one recompenses another for the kindness which he has shown, (5) by gratitude in word and deed. Or, (6) in the case of ill which has been done (of course, with those due motives which have been heretofore pointed out), proper vengeance is a virtue annexed to justice.

But this debt of virtue, which ought to be paid, may contribute to an honourable life without being essential to it. Such virtues are (7) liberality, affability, and the like, in which the idea of debt almost vanishes.

§ 2. Religion.

What is religion?

It is a virtue by which man renders to his God due homage, worship, honour, and reverence. Giving any one his due is a virtuous act, and if it proceed from a corresponding habit, marks a virtuous man. Manifestly, then, the definition of virtue heretofore given applies to religion.

(1) What S. James says (i. 27) does not conflict with this. For religion produces acts of two kinds; some are its proper and immediate acts elicited by it, through which man is ordered with respect to God only, as sacrifice, adoration, and the like; but it has other acts which it produces through the virtues which it directs as means to its end, which end is homage to Almighty God. Such acts are "visiting the fatherless and the widows in their affliction," acts elicited by mercy, and "keeping self unspotted from the world," an act commanded by religion, but elicited by temperance or some such virtue.

(2) We owe one another service in the Church of God (Gal. v. 13), but God's dominion and right is infinitely exalted, and the service which is due to Him ("*latría*") is preëminent and distinct from any other.

(3) Men may have a claim to marks of honour ("with my body I thee *worship*"), but the honour due to God is special and distinct, "*Eusebeia*" or "*Theosebeia*."

This virtue gives reverence to one God as the Creator, Governor, Father of all men.

It has various outward acts, but they are all reducible to those Divine honours which are paid from reverence for His infinite excellence, or that service which is due from God's subject creatures; but these two are the one act of reverential homage.

Religion is a special virtue, because of the special good for which it is ordained; viz., paying due and peculiar honour to God.

Every virtuous act is a sacrifice, so far as it is ordained for reverential homage to God. But so it is commanded by the special virtue of religion. All things, says the apostle (1 Cor. x. 31), are to be done to the "glory of God." But the same remark applies; such acts are religious, not religion, because they pertain to it, not as elicited, but as commanded by that reverential homage which is religion.

Is religion a theological virtue?

Worship of God springing from reverential homage is a dictate of natural reason; it is natural religion. What positive Divine or human law has done is merely to determine it in this way or that way. (This fact itself shows that religion is not a theological virtue; but the author thoroughly examines the ground of denial.) Theological virtues have God for their direct object. He is the object of faith, of hope, of love. But He is the end of religious acts, not their direct object or "matter;" their matter is worship; for

due worship is offered—say, sacrificial offerings—out of reverence for God.

“By faith, hope, and charity” (S. Aug., *Enchir.* 3) which have God as their proper object, God is worshipped, because they command acts of religion as things ordained to the end of those virtues.

Religion, as we have seen, is a part of the moral virtue of justice.

Religion is preëminent among the moral virtues, because, while all those virtues have God for their end, it comes nearer to that end than the others do, producing what is directly and immediately ordained for the Divine honour.

(1) The praise of virtue consists in the good will, not in the power of doing much. Religion cannot pay all that is due, but that is no derogation from the supreme rank of this moral virtue.

(2) God, it is true, needs nothing from us; but it is in those things which are bestowed on others for their benefit that gifts to the more needy are the more laudable, because they are more useful. But nothing is offered to God for His benefit, but for His glory and our own good.

Does religion require outward acts?

We offer reverence and honour to God, not on His account, since we can add nothing to His glory, but on our own account. The perfection of our own soul is found in this subjection. But the human soul needs, in order that it may be united to God, the guidance and assistance of sensible things. Therefore in Divine worship it is necessary to employ outward, bodily acts, in order that by them, as by signs of the inward act, the soul may be lifted up in its spiritual acts by which it is joined to God. Therefore religion has inward acts as chief, and as, *per se*, its

own; but outward acts as secondary and ordained for the other.

Therefore Christ said (S. John iv. 24), "God is a spirit, and they that worship Him must worship in spirit and truth."

The outward corporal acts may be similar to those which are presented out of respect to men (bowing or kneeling, etc.), but they are only needful signs of inward and spiritual actions.

Is religion the same as the virtue of holiness?

Holiness is attributed to those things which are applied to Divine worship, so that not only men but churches and sacred vessels are said to be sanctified by being so applied. Now, inward purification is necessary in order that the mind may be elevated to God, because the soul is defiled by cleaving to lower things; sanctity is that virtue "without which no man shall see the Lord" (Heb. xii. 14). Since, then, holiness is that by which the mind of man directs itself and its actions to God, it does not differ from religion in essence but only in our conception of it. For religion offers to God due service in that which pertains to Divine worship, as sacrifices, oblations, and the like; but holiness refers to God not only these but the acts of the other virtues, or fits man for Divine worship.

§ 3. Devotion and prayer.

Devotion is a special act of religion, being the act of a will prepared to do promptly what belongs to the service of God.

It is the same virtue which does the thing and has the prompt will to do it. Charity is the root from which spring both religion and devotion. It is meditation on the Divine bounty and benefits and the consideration of our own needs which is a special cause of devotion.)

Prayer is an act of reason moved by a loving will, in which God is asked for what is fitting for Him to grant.

It tends to the end of charity, which is to be united with God, both because this is the chief object of prayer (Ps. xxvii. 4), and because he that makes any petition must approach him of whom he asks it. Prayer, then, implies an uplifting of the soul to God.

Is prayer a proper act of religion?

That it is an act of religion is evident, for it pertains to that to offer reverence and honour to God, and all things by which such reverence is manifested belong to religion. But in prayer such reverence is manifested in subjection and acknowledgment that God is the author of all good for the supply of human need. All good desires fall under the precept of charity, but the asking under the precept of religion. "Ask, and it shall be given you" (S. Matt. vii. 7). In asking, the soul, subjecting itself, makes oblation of itself, which is far above all outward and corporal oblations and sacrifices.

And prayer is fitting, notwithstanding the three-fold error of ancient and modern heathen : (1) It is vain to pray if human affairs are not ruled by Divine Providence ; (2) prayer is useless if some physical necessity control all events ; (3) prayer is superstition if it suppose that Divine Providence is variable, and that God's good will can be changed. (Note the familiar but profane objection of the day.)

In maintaining the usefulness of prayer, we neither impose necessity on human affairs subjected to Divine Providence, nor deem the Divine good pleasure to be mutable. Divine Providence not only orders effects, but also from what causes and in what order they shall come. But among those causes are human acts ; and men must do certain things, not that they may change the Divine will, but that by their acts they may fulfil the order appointed by God for

the accomplishment of certain results. We do not pray in order that we may change our Father, but in order to ask what God has arranged to be fulfilled through prayer. "Men by asking merit to receive what God arranged to give before the world was made" (S. Greg.).

(1) We do not pray that we may inform God of what we need: "Your heavenly Father knoweth that ye have need of all these things" (S. Matt. vi. 32); but we pray in order that we ourselves may consider that in our needs we are to seek Divine aid.

(2) God, unasked, wills to give us many things from His own boundless liberality; but that He wills to give us some things when we ask, is for our own benefit; *sc.*, that we may go to our Father with confidence, and that we may recognize Him to be the author of all good.

In prayer ought we to make any special petition?

There are things which a man can use well or ill, which may prove mischievous for himself; but there are also good things which a man cannot use so, and these are asked for absolutely.

(1) It is true that "we know not how to pray as we ought" (Rom. viii. 26); but it is also true that the "Spirit helpeth our infirmity," inspiring us with holy desires, that we may rightly ask.

+ (2) In making determined petitions one may seem to be trying to incline another's will towards his own, whereas our aim should be, not that God should will what we will, but rather that we should will what He wills. } But in asking what pertains to our salvation (however special the petition may be), we do conform our will to His who "willeth that all men should be saved" (1 Tim. ii. 4).

And, finally, our Lord Himself taught His disciples, in the "Lord's Prayer," to make determined and special petitions.

Ought man in his prayer to ask for earthly things?

Agar said (Prov. xxx. 8), "Feed me with the food that is needful for me;" and S. Augustine says (Ep. ad Prob. 130), "It is lawful to pray for that which it is lawful to desire." But temporal things may be lawfully desired, not indeed as an end, but as means to an end, by which we are aided in seeking beatitude, since by them the corporal life is sustained and they can serve the acts of virtue.

(1) The Lord said (S. Matt. vi. 33), "Seek ye first the kingdom of God and His righteousness, and all these things shall be added unto you." They cannot lawfully hold the chief place, but are to have a subsidiary one; the true riches are to be sought as our chief good; these as needful for our earthly life.

(2) Not all care for such things is prohibited (S. Matt. vi. 25), but inordinate anxiety.

(3) When the soul seeks earthly goods as its rest, it is lowered to their level; but when it prays for them in their relation to its beatitude, it is uplifted to that and to God.

(4) They are not asked for unconditionally, but in relation to something else; that is, as they are expedient for our salvation.

Intercession is a form of prayer; we ought to pray for others.

For charity requires that we desire others' good (S. Jas. v. 16); and what we ought to desire we ought to pray for.

We do not say, "My Father," but "Our Father;" nor do we say, "Give me," but "Give us." "The Lord of unity was unwilling that each should merely pray separately for himself. He willed that one should pray for all, since in His one Person He bore the burden of all" (S. Cyprian., De Orat. Domin.).

Prayer for another may not always be granted, even when it is faithful and persevering and for things pertaining to salvation, because of obstacles which that other puts in the

way of an answer ; but nevertheless such prayer, springing from charity, is meritorious like any other work of charity.

Prayer is to be made for the just, that they may persevere and go forward ; for sinners, that they may turn and be saved (1 Ep. S. John v. 16). We know not who the reprobate are, therefore prayer is to be made for all sinners (1 Tim. ii. 1).

We ought to pray for our enemies (S. Matt. v. 44).

Prayer for others is a work of charity ; as, therefore, we are bound to love our enemies, so are we bound to pray for them. But how we are bound to love our enemies has been already considered (see page 200). We are to love their nature, not their sin. We are not commanded to give them special love, except in the preparation of a soul ready to love an enemy with special love and to help him in necessity or if he ask pardon. More than this is love's perfection, not its indispensable obligation. The like obligation applies to our prayers ; enemies are not to be excluded. But that we pray specially for them, when not in necessity or other peculiar circumstances, is a work of perfection, not of absolute obligation.

(1) Holy Scriptures, indeed, contain many imprecations against enemies, as in Psalm xl. 14, and many others. But these imprecations are to be understood, first, as prophetic denunciations ; secondly, as temporal chastisements for the correction of sinners ; next, as directed against the kingdom of sin, not against particular sinners, that by the correction of men sins may be destroyed ; and, lastly, as conforming the will of man to Divine justice. (We may add that Christians speak the Psalms in the name of their Lord against His enemies.)

So the martyred saints beneath the altar in heaven say, "How long, O Lord, holy and true, dost thou not judge and avenge our blood on them that dwell on the earth ?" (Rev.

vi. 10). But they pray for the overthrow of the kingdom of sin and rejoice at the work of Divine justice.

(2) It may be said that men's prayers should not contradict their actions, and it is lawful to fight against enemies, for wars are sometimes lawful. But the object of just war is to put down evil, and this brings good to enemies as well as to others. So prayer and action need not contradict one another.

Should prayer be vocal ?

Prayer is either private or public, *i.e.*, the prayer of the faithful people of God offered for them by the ministers of the Church. This should be known by all the people for whom it is offered, which cannot be if it is not vocal. So the Church orders respecting it.

But the private prayer of an individual for himself or for others need not be vocal. Yet the voice is added to such prayer for three reasons ; first, outward signs of devotion, such as spoken words are, may excite the inward devotion by which the soul is uplifted to God. But if the soul be distracted by these outward signs, whatever they may be, or be hindered in any manner, they are to be discontinued ; and this is especially true of those who are sufficiently prepared for devotion without these outward signs of it.

Secondly, vocal prayer is added to inward prayer as paying what is due ; *sc.*, that man serve God with all that he has from God—*i.e.*, not only with his mind but with his body (Hos. xiv. 2).

Thirdly, the warm affections of the soul break forth in audible language.

Vocal prayer is not uttered to inform God of what He is ignorant, but to raise the mind to God. It is not wrong to be "seen of men" (S. Matt. vi. 6), but to pray outwardly in order that we may be seen of men.

Must prayer be with fixed attention?

This question chiefly concerns vocal prayer. If we speak of necessity in this matter, it signifies either that by which the end is better reached, or that without which the end is not reached at all. For the first, attention (undistracted) is absolutely necessary. But there are three effects of prayer. The first, which is merit, is common to all acts which are "informed" by charity. And for this effect it is not necessarily required that there be fixed attention throughout the prayer, but the first actual attention with which one began his prayer renders the whole efficacious in this way (this is virtual attention; one began with hearty desire to pray, but was unwillingly distracted). The second effect of prayer is peculiar to it; viz., the obtaining a petition; and the first intention, which God chiefly regards, suffices for this effect also. But if the first intention to pray is absent, there is merely the empty form of outward prayer; it is neither meritorious, nor does it obtain any answer from God.

The third effect of prayer which it directly produces is a spiritual refreshment of the soul; and for this actual attention is necessary.

The sense of the words may be attended to, or the mind may be fixed on God and the thing prayed for; and this latter is in the highest degree necessary.

(1) They that worship God "must worship Him in spirit and in truth" (S. John iv. 24). But they do this who begin their prayer from the prompting of the Holy Spirit, even if, through infirmity, their mind afterwards wander.

(2) Through infirmity of nature, the mind cannot long be lifted up on high; its own heavy load drags it down.

(3) If any one purposely wander in mind during prayer he mocks God; he sins, and loses the fruit of prayer. But unintentional distractions do not take away the first and second fruits of prayer.

Continual prayer.

The Lord said, "Men ought always to pray, and not to faint" (S. Luke xviii. 1); and S. Paul said, "Pray without ceasing" (1 Thess. v. 17). The cause of prayer is the desire which springs from charity, which desire ought to be continually in us, either actually or virtually, for this desire virtually abides in all things which we do from the motive of charity. But we ought to do all things to the glory of God (1 Cor. x. 31). In this way we ought always to pray.

But prayer considered in itself cannot be continual, for there are other duties in life; "therefore, at certain intervals of time we call upon God in words also, that by those signs of inward devotion we may admonish ourselves, discover how far we have advanced in that desire, and excite ourselves more zealously to increase it" (S. Aug., ad Probam, Ep. 130). But the quantity of a thing should be proportioned to the end. Prayer, then, should last as long as it is useful to excite the fervour of inward desire. But when it exceeds this measure, so that it cannot last without weariness, it should not be protracted. This principle applies also to public and common prayer as compared with the devotion of the people. (Well worthy, I think, to be noted.)

(1) Christ said that the heathen "think that they shall be heard for their much speaking" (S. Matt. vi. 7). But "it is not much speaking to pray a long time. For much speech is one thing, enduring affection is another. The Lord Himself continued all night in prayer, giving us an example of protracted devotion. Much speaking is using superfluous words; but much praying is entreating Him to whom we pray with long and devout uplifting of the soul" (S. Aug., *loc. cit.*).

(2) The Lord did not give His prayer as the only form, but to show us what things we are to desire and ask for.

To pray without ceasing is to persevere in the appointed

times for vocal prayer, and to have its effects remaining in a more devout soul.

Is prayer a meritorious work?

It is so inasmuch as it proceeds from the root of charity, whose proper object is eternal good, for whose fruition charity fits us. Prayer comes from charity through religion, whose act is prayer, along with other virtues which are requisite for a good prayer; viz., humility and faith. Religion offers the prayer, charity gives the desire of what is prayed for. Faith is necessary, for we must believe that we shall obtain what we ask for. Humility is necessary, for we must recognize our need. But prayer is efficacious from the grace of God, who also leads us to pray.

(1) But does not prayer precede grace, since the Lord says (S. Luke xi. 13), "Your heavenly Father will give the Holy Spirit to them that ask Him"? Yes; but prayer without justifying grace is not meritorious; neither is any other virtuous act. And yet the prayer which asks for this grace proceeds from some grace, since that very prayer is the gift of God.

(2) But if prayer is meritorious at all, it seems to merit to be heard. But oftentimes it is not heard, as we notice in S. Paul's case. I answer that the merit of prayer may apply to a different thing from that which is asked for. For merit is chiefly the fitness for beatitude, but many other things are prayed for. If, then, that thing which is asked for is not serviceable for that beatitude, it is not merited. Sometimes it is neither necessary to salvation nor manifestly contrary to it; and then, though the prayer may merit eternal life, it does not merit to obtain the petition. "Mercifully it may be heard, and mercifully it may be rejected. What is useful for the sick man, the physician knows better than he" (S. Aug.). S. Paul was not heard, because it was not expedient that he should be heard.

But if that which is asked for pertain to the soul's life,

it is merited not only by prayer but by other works of charity. Undoubtedly the petition is granted, but at a fitting time, which granting can be hindered if one does not persevere in prayer.

But since man cannot merit eternal life by his worthiness, nor be worthy of the things which pertain to eternal life, he is not always heard in praying for another. There are then four conditions, which concurring, one always obtains his petition—*sc.*, that he ask for himself, what is necessary to salvation, devoutly (*i.e.*, with faith, hope, love, humility, and attention) and perseveringly.

Do sinners ever obtain anything from God by prayer?

The publican in the Gospel did not say in vain, “God be merciful to me a sinner.” For two things are to be considered in the sinner, his nature which God loves, and the sin which God hates. If, then, he ask anything as a sinner—*i.e.*, according to sinful desire—he is not heard in mercy, though sometimes he is heard for vengeance, when he is allowed to rush still further into sins. But God, out of pure mercy, hears the prayer of the sinner proceeding from such good desires as may remain in him, provided that the four conditions above mentioned be found in that prayer.

§ 4. Outward acts of Divine worship: Adoration, sacrifices, and oblations.

“*Thou shalt worship the Lord thy God*” (*S. Matt. iv. 10*).

Adoration is reverential homage, an act of religion due to God preëminently on account of His infinite excellence, in which other beings can only participate at infinite distance. Outward signs of inward reverence are due to superiors, but sacrifice can be offered to God only. King David lawfully accepted such “worship” from Nathan the prophet (1 Kings i. 23), but the angel of the Apocalypse

refused it from S. John (Rev. xxii. 8), excluding occasion for idolatry.

Does adoration imply a corporeal act ?

Because we are of two-fold nature, we offer to God a two-fold adoration : the spiritual homage of inward devotion, and the outward, of lowly bodily abasement before Him. The latter is for the former ; viz., that by outward signs of humility our inward affections may be the more subjected to God.

This is “ worship in spirit,” if it proceed from spiritual devotion, and has that for its end.

Corporeal adoration implies a determined place where it is offered to God.

Inward devotion apprehends God as not limited to any place. But the bended knee in sign of human weakness, or prostration in sign of our nothingness in the sight of God, requires a determined place.

A place is consecrated for the use of man, not on God’s account. It is for the adoring worshipper, first, that he may be the more devout ; next, because of the sacred objects, sacramental and other, which are there contained ; and lastly, because of the promise, “ Where two or three are gathered in My name, there am I in the midst of them.”

Sacrifice.—Is offering sacrifice a part of the law of nature ?

Natural reason indicates to man his dependence on another, because of the defects which he feels in himself, in which he needs to be aided and directed by another. That other is what all name God. And natural reason also dictates to man that he, after his manner, exhibit honour and subjection to what is above him. But the fitting manner is for him to use sensible signs. Therefore it is from natural reason that man employs sensible things, offering them to God in sign of due honour and subjection.

But this is sacrifice. Therefore the offering of sacrifice is part of the law of nature.

Men differ widely in what they offer. But there are some things which in their general principle are part of the law of nature, while their particular application depends upon positive law. Thus it is a law of nature that malefactors be punished ; but the kind of punishment depends upon positive law, human or Divine. So, also, sacrifice in general is a law of nature, but its determination belongs to human or Divine institution.

Sacrifice is to be offered to God only.

For it is offered as a sacred symbol. What is outwardly offered signifies the inward spiritual sacrifice, in which the soul offers itself to God ("The sacrifice of God is a broken spirit," Ps. li. 19), for outward acts of religion are ordained for the inward acts. But the soul offers itself for a sacrifice to God as its Creator, and the only source of its beatitude. Therefore, as we are to offer to God alone the spiritual sacrifice, so we ought to offer to Him alone its outward symbol.

The offering of sacrifice is a special act of religion.

It is praiseworthy only as done out of reverence for God. Other virtuous acts may be intended for the same end, as giving alms, or patiently enduring affliction, but sacrificial acts are for this end alone. Man's good is three-fold, and each may be offered to God, and in a general way is then called a sacrifice. First, there is the good of the soul, which is offered to God in the inward sacrifice of devotion and prayer. This is the principal sacrifice. But next there is the good of man's body, which is offered to God in martyrdom, abstinence, continence. And it is said (Rom. xii. 1), "Present your bodies a living sacrifice." And, third, there is the good of external things, which are directly a sacrifice when we offer them to God, and they are indi-

rectly a sacrifice when we communicate them for God's sake. "With such sacrifices God is well pleased" (Heb. xiii. 16).

Every sacrifice is an oblation, an offering to God ; but not every oblation is a sacrifice, because the latter signifies also that some religious change is made in the oblation ; thus, animals were killed and burned, and bread is blessed, broken, and eaten. First fruits are oblations because they are offered ; they are not sacrifices, properly speaking, because no further action follows.

Are all bound to offer sacrifice ?

What is the law of nature obliges all, and this is part of the law of nature ; therefore all are bound in some way to offer sacrifice. All owe the inward sacrifice of presenting to God a devout and humble spirit. But the outward sacrifice, as we have just seen, is of two kinds ; one which is laudable only because some outward thing is offered in token of subjection to God. Those who are under revealed law, whether the Old Law or the new Gospel law, are bound to offer certain sacrifices according to the commandment given to them. But those who were not under the law revealed, were bound to do certain outward things for the Divine honour, according to the fitting customs of their place and nation.

The other outward sacrifice is when outward acts of other virtues are undertaken as marks of homage to God, and some of these are bound upon all.

Priests, indeed, offer those sacrifices which are especially instituted for Divine worship, not only for themselves but also for others ; but there are other sacrifices which each one can offer for himself.

Oblations. — As a general term the word applies to all things which are offered in Divine worship.

If the offering is converted into a sacred thing, at that

It may be more laudable to do some virtuous act with a vow than without a vow.

There are three reasons for this : (1) First, to vow is an act of Divine worship, and the act of the lower virtue is better and more meritorious when it is commanded by the higher virtue, as the act of faith or hope is better if it proceed from charity. The act of abstinence, or whatever it be, becomes a kind of sacrifice to God.

(2) Secondly, he who vows and does anything, more fully subjects himself to God than by the simple act of doing it, because he binds himself to do nothing different from what he has promised.

(3) Lastly, by the vow his will is more immovably fixed towards the good, not only with respect to one particular act but for all the future.

We may distinguish solemn vows from simple vows, because the former are accompanied by some spiritual benediction or consecration, as in the case of Holy Orders, or the entering some religious order, or, in a different way, in the nuptial benediction.

This is not merely the question of public celebration, a sort of human solemnity; it is a spiritual and Divine solemnity, no matter how few are present at it, because God is the bestower of the spiritual benediction or consecration, although man is the minister of it (Num. vi. 27).

May those who are under the power of others be hindered from taking a vow ?

No one can by promise bind himself to that which is in another's power. But whoever is subject to another, has no authority to do what he will in that respect wherein he is subject. Therefore he cannot bind himself in those things without his superior's consent (Num. xxx. 3).

It may seem that the obligation by which any one is subjected to man is less than that of a vow made to God.

But the promise made to Him must be virtuous, and it is contrary to virtue that man offer to God what is another's. It is not a true vow at all, except under the condition that he who has authority in the matter make no objection. (Thus parents can annul the vows of their children until they come of age. But see, further, Supplement on Holy Matrimony, chap. xi. § 3.)

The Church has power of dispensation.

Dispensation from vows is like the release from keeping some law which, though made for the general good, may prove in some special case to be not good, and the law-making power may dispense with the observance of the law in that case.

So in the case of a vow made for what is in itself and in general good, it may happen that the thing vowed proves to be evil in that particular case, or useless, or a hindrance to some greater good, which is contrary to the very idea of a vow. Therefore it is necessary that some authority in such a case determine that the vow is not to be kept. This is dispensation.

(1) In the case of human law, it is not decreed that the law should not be obeyed, which would be contrary to the law of nature and to Divine command, but that the law does not apply to the case in question. So, also, the authority of a superior may determine that what was vowed is not suitable matter for a vow. The bishop, in such a case, does not dispense with natural or Divine law, but he determines that which could not be fully foreseen in advance.

(2) Such a dispensation is not contrary to the fidelity which is due to God, because such fidelity does not imply that man, having ignorantly vowed, shall do what is evil, useless, or a hindrance of greater good.

A bishop cannot annul a solemn consecration, so that that which is solemnly blessed and vowed to God loses its sanctification. Holy Orders cannot be so annulled. But

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for cause the bishop may inhibit the fulfilling of the vow of Orders ; *i.e.*, deprive of the right to execute its functions.

§ 6. On oaths.*

Human testimony is requisite in particular contingent facts which cannot be directly and infallibly known by demonstrative proof.

But this testimony is deficient through lack of veracity in the witness, and defective knowledge of the future, of the secrets of the heart, etc. Now, in the oath God is called to witness, He who cannot lie nor be deceived.

This testimony may be of the past or the present; it is then an *assertory* oath, as in courts of law. It may be intended to confirm the future ; it is then a *promissory* oath, as the oath at taking office. In quoting Holy Scripture the testimony already given by God is used ; but in the oath He is implored to give testimony, to manifest the truth, as by punishing the liar (*imprecatory oath*).

Are oaths lawful?

Holy Scripture says, "Thou shalt swear by His Name" (Deut. vi. 13). A thing may be in itself good, and yet turn to evil in his case who uses it ill. And the oath is in itself lawful and good, as will appear both from its origin and from its end. The oath is introduced because men believe that God has infallible veracity and universal foresight and knowledge of all things. Its end is to justify men, and put a stop to controversies. "The oath is final for confirmation" (Heb. vi. 16).

But it may be turned to ill, in being used without need and without due caution. For he seems to have little reverence for God who invokes His attestation in a trifling

* For a fuller and thorough treatment of the subject, see Bishop Sanderson, De Juramento.

cause, and such as he would hardly venture to call a man of standing to witness. Besides, there is great danger of perjury in such cases.

The Lord said, "Swear not at all" (S. Matt. v. 34); but the example of S. Paul shows us how those words are to be understood; viz., that we avoid forming the evil habit of swearing lightly and on trivial occasions. S. Paul's oaths in his Epistles are for confirmation of truth deliberately committed to writing (S. Aug., *De Mendacio*, c. 5).

What are the conditions for a lawful oath?

An oath is lawful if it be lawfully used; but this good use of it requires, first, that one swear, not lightly, but discreetly and from a necessary cause. Judgment (*i.e.*, discretion) is the first condition of a lawful oath. Next, what is confirmed by the oath must not be false nor any unlawful thing. Veracity is the second condition of a lawful oath. Lastly, justice is the third condition; what is confirmed must be licit. A rash oath lacks discretion; a false oath, veracity; an iniquitous or illicit oath lacks justice (Jer. iv. 2).

Is the oath an act of religion or Divine worship?

He who swears invokes the Divine testimony to confirm what he says; and his oath contains a profession that God is all powerful, of indefectible veracity and perfect omniscience. This is an act of reverence, and therefore it is an act of religion or worship. The object of the testimony is some human affair, but the testimony invoked is Divine.

The earthly aim may be to certify something before men, but with this goes the aim of offering reverence and honour to God.

The oath is not sought for its own sake, but as an aid in human defect or infirmity, a sort of necessary medicine,

because man disbelieves the witness of his fellow-man. Such things, necessary on account of the imperfections of this life, are unduly used if they are needlessly employed.

An oath differs from a vow, because what is confirmed by the oath does not on that account become an act of religion, whereas the vow makes the action (fasting, continence, etc.) such.

Has an oath obligatory force?

The question is of the force of promissory oaths. In an assertory oath, the obligation does not concern the thing which has been or is, but the act itself of taking the oath; one swears that which is or has been true. But in the promissory oath, the obligation concerns the thing which has been confirmed by an oath. One is bound to make that true which he has sworn; otherwise his oath lacks the essential condition of veracity. But if the oath cannot possibly be kept, it lacks discretion or judgment; unless, perhaps, it was possible to keep it when made, but it has been rendered impossible by some unforeseen event; as when one swears that he will pay a certain sum of money, which has afterwards been stolen from him. Then he seems to be excused from doing what he has sworn, although he is bound to do what in him lies to fulfil his promise.

But if the fulfilment is possible, indeed, but ought not to be done, either because it is evil *per se*, or is a serious impediment to the good, then the oath lacks justice, and therefore the oath is not to be kept when it is sin, or a serious hindrance to good. (It was sin to take such an oath; it is an added sin to keep it.)

Whoever, then, swears that he will do a thing, is obliged to do it, that truth may be kept, provided that judgment and justice are also present (Num. xxx. 2).

(1) The promise has veracity, if it express the present

purpose ; but the oath invokes the Divine attestation to a fixed and unchangeable purpose.

(2) An oath may tend to evil in two ways ; in one way, because it had from the beginning an evil result, either because the thing sworn is evil in itself, or because it is an impediment to some greater good. Such oaths are illicit from the beginning, but differently. For if one swear that he will do some sin, he sins in swearing, and he sins in keeping the oath. But if he swear that he will not do some better good, which, however, he is not bound to do, he sins in swearing by opposing the Holy Spirit, who is the inspirer of every good purpose ; but he does not sin in keeping his oath, although he would do better if he did not keep it.

An oath may have a bad result in another way, on account of some unforeseen event, as was the case with Herod's oath, who swore to give his daughter whatever she asked for. This oath might have been lawful at first, the due condition being understood, viz., that she should ask for what it was right to give ; but the fulfilment of the oath was illicit.

(3) Suppose that one takes a lawful oath under compulsion. There is a two-fold obligation to be considered ; one to the man who receives the promise—such obligation is annulled by the force employed ; he does not deserve that the promise to him be kept. But there is another obligation to God, the fulfilling what has been promised in His name. Conscience is not released from that obligation (unless the force destroyed all rational power of action). We ought rather to endure temporal loss than break an oath. But one may seek release in court, or denounce to authority even if secrecy have been sworn respecting the force employed ; for such an oath tends to a worse result, being against public justice.

(4) Suppose a difference of understanding of the meaning of the oath between the two concerned in it. If this come

from the fraud of him who takes the oath, he is bound to keep it according to the sound understanding of it on the part of the one who receives it. But if there have been no guile, the oath must be understood according to the intention of the one who takes it.

Can any human authority dispense from keeping an oath?

We have seen that the necessity of dispensation in the case of laws or vows arises from the fact that what is in itself or in general virtuous and useful may, through some particular circumstances, become immoral and injurious, and so cannot be fit object for either law or vow. But the same principle applies to oaths. If the thing be immoral, it is repugnant to that justice which is an essential condition of a licit oath; if it be injurious, it is repugnant to that judgment or discretion which is also requisite. And since a man is not the best judge in his own case, and has no authority to be judge, by parity of reasoning it follows that the power of dispensation is needed, and is to be found in the Church, which has received authority to loose as well as to bind (S. Matt. xviii. 18).

(1) But veracity is required equally in promissory as in assertory oaths; and no power of dispensation can permit an oath contrary to truth respecting the past or the present; therefore no power can permit that anyone make that to be false which he has promised with an oath respecting the future.

I answer that the power of dispensation cannot extend to Divine commands, cannot allow anything to be done contrary to what has been sworn. But that authority may decide that what was included in the oath is no longer such, as being unfit matter for an oath. The object of the assertory oath, being past or present, is immutable; and as there is no power to dispense from the veracity of the oath itself, there is no power of dispensation at all. But the ob-

ject of the promissory oath is something in the future which is variable, and may become immoral or injurious, and consequently unfit matter for an oath. Such an object may come under the power of dispensation.

(2) A man may promise with an oath what is for another's benefit. That other can release him from his obligation. But in another way one may promise another what pertains to the honour of God, or the benefit of the community (as the promise made to the bishop in ordination). The promise is chiefly made to God; he who receives it cannot release it (unless he have power of dispensation).

Since the oath is for confirmation of veracity, and implies some doubt, it seems to be decent that the priesthood should not ordinarily take such an oath in temporal affairs. (Let him claim his privilege in courts of law, etc.)

§ 7. Superstition.

(The greater part of the author's discussion of topics under this head is adapted to a different state of society from ours. What seems to be of special and permanent value will be briefly indicated.)

Superstition is a vice opposed to true religion in its excess; not that it offers to God in worship more than religion does, but it gives Divine homage to what it ought not, or in a manner it ought not.

Pernicious worship may possibly be offered to the true God.

Thus a lie is most pernicious in what pertains to religion. But it is a lie if any one express outwardly by signs, as in religious worship, what is contrary to the truth. This is a pernicious worship, and it may occur in two ways: First, as respects the thing signified, which may be discordant from the signification of Christian worship. Thus it would now be pernicious to use those ceremonies of the Old Law by which Gospel mysteries were prefigured. (And sitting at

the reception of the Holy Eucharist was, not many ages ago, made a symbol of unbelief in the Lord's Real Presence therein.)

In another way, falsity in outward worship may directly concern the worshipper, especially in public worship which is presented by ministers in the name of the whole Church. For as it is fraud to claim authority for action where none has been given, so he is guilty of falsity who in the name of the Church offers worship to God contrary to what has been with Divine authority established by the Church, or is customary in the Church (so far as custom has the force of positive law). They that worship God must worship Him not only in spirit but "in truth." (A warning against lawlessness in the Church.)

Can anything be superfluous in Divine worship?

Certainly not, if we speak merely of quantity; for man can do nothing which is not less than he owes to God. But something may be superfluous in not being proportioned to the end. The end of Divine worship is that man may glorify God, and subject himself to God both in body and in spirit. And, therefore, whatever a man does which pertains to the glory of God and the subjection of his soul, and of his body also, according to the ordinances of God and the Church and the customs of those with whom he lives, is not superfluous. But if there be anything which does not come under any one of these heads, it is to be deemed superfluous and superstitious, as consisting only in outward observances which have nothing to do with inward worship. "The kingdom of God is within you," condemns those superstitious persons who give their chief attention to outward ceremonies.

Idolatry.

It is a species of superstition which gives Divine honour where it is not due. As in idolatry it is offered to some

creature of God through sensible signs—say, sacrifices, etc.—so, also, the creature worshipped may be represented by some sensible form, which is called an idol (Rom. i. 23).

Idolatry is a mortal sin,

whether it be giving the outward or the inward worship, a sin condemned by the Second Commandment. All superiors are to be revered, but not all with the same reverence. Special marks of reverence are due to Almighty God ; viz., Divine adoration (“*latria*”). “Outward sacrifices are signs of the inward sacrifice, as spoken words are signs of things. Wherefore, as in prayer and praise we direct our words to Him to whom we offer in our hearts the reality which we signify with our lips, so in sacrifice we know that we are to offer the visible part to none save to Him before whom we present in our hearts the invisible sacrifice, the offering of ourselves” (S. Aug., Civ. Dei, x. 19).

In the temple under the Old Law, and in the Church to-day, images or pictures are not introduced that Divine homage may be paid to them, but for the sake of what they signify ; that faith may be made more real and strengthened in the minds of the beholders.

Idolatry is in its own nature the gravest of sins.

The gravest rebellion in a commonwealth is setting up another in place of the lawful ruler. So, while sins against God are the greatest of all sins, the worst of those sins seems to be the paying Divine honours to any creature, which, so far as it goes, is setting up another in place of God.

But the gravity of sin depends also upon the sinner's inward state ; for sins of malice are far worse than sins of ignorance. And so the heretic who with eyes open corrupts the faith which he has once received, may be worse than the ignorant idolater.

Attempts at divination, through "clairvoyance" or otherwise, are not uncommon sins.

The future may be foreseen through its causes, and if those causes have necessary and invariable effects, those effects may be foretold with absolute certainty, as in the prediction of eclipses. And certain events are so generally followed by others that the first may be reasonable ground for prediction, as in the case of medical diagnosis. But there are other causes, like the free-will of man, which are not determined to one necessary result, and their effects can be predicted by God only, who in His eternity sees in one vision what we call past, present, and future. And if any one presume to have this knowledge of future contingencies, he manifestly usurps what belongs to God alone. This is the sin of divination. It may be from the temptation of devils, who try to seduce the minds of men by such idle search into the unknown future.

The end sought may be idle curiosity, but the means used belong to evil superstition. (See Isa. viii. 19.)

§ 8. Irreligion; viz., Tempting God, perjury, sacrilege, and simony.

We are now to consider vices opposed to religion, which spring from contempt or irreverence towards God and holy things.

Tempting God.

We try another by our words, in order to ascertain whether he knows what we ask or is able or willing to do it. We try another by our actions to prove his judgment, will, or power. We try him openly, professing our purpose, or secretly, as the Pharisees tempted Christ (S. Matt. xxii.). So man tempts God sometimes in words, sometimes in deeds.

One would be expressly tempting God in His prayers if he should ask anything in order to make experiment of

God's love, power, or knowledge (as in the "prayer-test" proposed by Professor Tyndall). Constructively he does the same who asks what is of no other use than such a test.

In his deeds one expressly tempts God when, by what he does, he intends to make trial of his God; constructively he may be doing the same thing by his words.

When, therefore, on account of some necessary or useful end one commits himself in his petitions or in his actions to the Divine aid, he does not tempt God. But apart from such occasions the commandment is, "Thou shalt not tempt the Lord thy God" (S. Matt. iv. 7).

Tempting God, then, is a sin.

For no one tries experiments on that of which he is certain. Every trial proceeds from some ignorance or doubt, either in him who makes the trial, as when he wishes to find out the qualities of a thing, or in others, as when he tries an experiment to show something to those others. In this latter way God is said to tempt us. But ignorance or doubt of what pertains to God's perfection is a sin. Tempting God, then, in order to know His power, is a sin. But it is not tempting God when one desires to show to others the greatness of God, for some just necessity or pious utility. For so the apostles (Acts iv. 30) prayed, and asked God that "signs and wonders might be done through the name of Jesus," for the conversion of unbelievers.

Since tempting God is a direct act of irreverence in doubting of His excellency, it is directly opposed to religion.

Perjury.

This in assertory oaths is falsity; but if a man swears what he believes to be true, though it is in reality false, his act is perjury (material perjury), but he is not a perjurer (formal perjury). This of assertory oaths; but an imperfect kind of perjury may be found also in promissory oaths, when they lack justice. For in swearing an illicit thing, he incurs

falsity, because he is under obligation to do the contrary of his oath. And if he swear indiscreetly, he incurs the danger of being false to his oath.

Every act of perjury is a sin against religion, for it is a sign of irreverence towards God that he is invoked to attest a lie. This implies either that God does not know the truth, or that he is willing to attest a falsehood.

(1) He who swears that he will do an unlawful action commits imperfect perjury in the act of swearing, on account of the lack of justice; but there is no perjury in not doing what he has sworn to do, because the thing was not the proper object of an oath. (There need be no perplexity in such a case. The sin was in swearing; it would be an added sin to fulfil the oath.)

(2) In like manner, he who swears that he will not do some good action which he ought to do, sins in the lack of judgment. But he is not perjured if he do that action, for what he swore to could not be fit object of an oath.

(3) So, again, if one swear that he will do another's will, obey another's commands, the due conditions are implied; *sc.*, that the command be lawful, virtuous, and not intolerably difficult to execute. Otherwise there is no perjury in violating the oath.

(4) But may not some change occurring after the oath is taken release from its obligation? New members join the society which has taken an oath; are they bound by it? New statutes are made in an institution. Does the former oath which has been taken respecting old statutes bind one to observe the new? To the first case I answer that the oath is a personal action, and does not bind him who has not taken it. But if any one enter a society and share its advantages, he is bound to submit to its burdens, or else to leave it at once. To the last question I reply that the oath does not bind one to keep new laws for all future time, but the member of the institution is bound by the co-active force of its laws so long as he remains in it.

Perjury is mortal sin,

both because it directly violates the express command of God (Lev. xix. 12), and because it implies contempt of Him.

Even he who swears jestingly is guilty of irreverence towards God. But he who swears falsely through "*lapsus linguæ*," if he be fully conscious of his act, is not excused from contempt of God ; but if the action were inadvertent, there was no intention of taking an oath, and no perjury.

Sacrilege.

What is set apart for Divine service is sacred ; reverence for it is referable to God, whose it is in special manner. Irreverent treatment of it is doing injury to God ; it is sacrilege.

It has its own special deformity, in violating sacred things ; it is therefore a special sin, opposed to religion, which reverences what belongs to God.

· Sacrilege differs as what is sacred differs. There are consecrated persons, consecrated places, and consecrated things. The greater the sanctity violated, the greater is the sacrilege. Violation of sacred persons is graver than violation of sacred places, for the place was made sacred for man, not man for the place.

Similarly, in the third kind of sacrilege, that against things, most sacred are the sacraments by which man is sanctified ; gravest, therefore, is sacrilege respecting the Holy Eucharist, the sacrament of the Lord's Body and Blood. Next comes sacrilege respecting the holy vessels of the sacraments ; then what pertains to the ornaments of the Church and the vestments of its ministers ; then sacrilege respecting what is offered to God for the support of the ministers of the altar. Whoever sins against any of these falls into the crime of sacrilege.

Simony is a sin.

Spiritual things cannot be bought and sold. First, they

cannot be compensated by any earthly price. And S. Peter condemned the depravity of Simon in its very root when he said, "Thy money perish with thee ; because thou hast thought that the gift of God can be purchased with money" (Acts viii. 20). Secondly, no one can sell what is not his own. The clergy are not owners of spiritual things, but only dispensers of them, "stewards of the mysteries of God" (1 Cor. iv. 1). Thirdly, selling is repugnant to the origin of spiritual things, which come from the free grace of God. "Freely ye have received, freely give" (S. Matt. x. 8). Therefore simony, or buying and selling some spiritual thing, is the sin of irreverence towards God and Divine things.

When simony is defined as the deliberate buying or selling some spiritual thing, or what is annexed to such a thing, understand by buying or selling any contract which is not gratuitous.

Is it always unlawful to give and to receive money for the sacraments ?

The sacraments of the Gospel are preëminently spiritual things, inasmuch as they are the means of spiritual grace whose value cannot be estimated in money ; and it is against their nature that they should not be given gratuitously. But they are dispensed by the ministers of the Church, who must be supported by the people ; so the apostle says (1 Cor. ix. 13), "Know ye not that they who minister about sacred things eat of the things of the temple, and they which wait upon the altar have their portion with the altar ?" Therefore to receive money for the spiritual grace of the sacraments is the crime of simony, which no custom can excuse, because custom cannot violate natural or Divine law, and simony is forbidden by both of them. And by money is to be understood anything whose value can be estimated in money.

But to receive money for the support of those who min-

ister Christ's sacraments is not simony nor any sin. For it is not taken as pay, but as a necessary stipend.

It is better to go without the sacraments than to sin by purchasing them.

The same remark applies to Holy Matrimony. The blessing of the Church cannot be purchased. If the priest merely solemnized the civil contract, he might be paid for doing so.

Is it lawful to give and to receive money for other spiritual ministrations?

As the sacraments are called spiritual because they confer spiritual grace, so certain other things are called so because they either proceed from spiritual grace or dispose man for it.

Yet these require the ministry of men, who must be supported by those who receive these benefits (1 Cor. ix. 7). To sell or buy acts of this nature is simoniacal. But to give and receive something for the support of those who minister in these spiritual things, according to the ordinance of the Church and approved custom, is lawful, if the simoniacal intention be not there, and if the demand be not made on those unwilling to contribute, by withholding those spiritual ministrations. For this would be a kind of selling. But when spiritual ministrations have been already freely bestowed, it is lawful to demand, from those who are able but unwilling to give, the appointed and customary offering for clerical support (say, the pew rent).

The case of the physician or lawyer is not the same. He who has any science does not get with it the obligation to use it for every one alike, as do the ministers of spiritual things. The former may receive pay, not as selling their science, but in exchange for their labours. But if they were bound by the obligation of their office to give their services, as in the case of a hospital physician, etc., they would grievously sin in selling their services.

Some things are so annexed to spiritualities as to depend upon them, as the benefice of a rector, which can only be held by a clergyman.

The sale of such things would be understood as the sale of spiritual things, and is unlawful.

But other things are annexed to the spiritual as being ordained for them, as the right of presentation to a living, or the sacred vessels (not yet consecrated and used) which are prepared for sacramental use. Such things precede the spiritual in order of time, and may be sold, but not as annexed to the spiritual.

In case of need for the Church or the poor, even the consecrated vessels may be broken and sold for their value as precious metals.

There is another form of simony, when spiritual things—say, office in the Church—are given as a reward for personal service, or, in response to a request, in order to obtain some temporal advantage. What can be estimated in pecuniary value is equivalent to money, when simony is in question.

Nepotism is a sin in these matters, but it is not simony, unless some temporal advantage is in some way expected.

CHAPTER V.

DUTIES TOWARDS OTHERS, DEPENDING ON JUSTICE, AND THEIR OPPOSITE VICES.

§ 1. Piety, reverence, and honour.

What is piety towards men ?

Man becomes a debtor towards others in various degrees and manners, according to their diverse excellence and the diverse benefits which he receives from them. In both God holds the highest place, as infinitely excellent and as the first principle of our being and of our direction in life.

But, in the second place, as the source of our being and the orderers of our life, stand our parents and our country. Next to God, then, we owe service to our parents and our country.

But in this service due to parents is included that of our near relatives who are descended from the same parental stock. And in the service of our country is implied that of our fellow-citizens and of all friends of our country. (Patriotism is a part of piety towards man.)

The word "piety" is often applied to the service which we owe to God, who is the Father of us all. But the greater includes the less, and now we use the term in the more restricted sense.

Works of mercy, also, are sometimes called pious works for a similar reason, being part of our service towards God.

It is filial piety to provide for the support of parents.

For the Lord, in rebuking the Pharisees (S. Matt. xv. 5), taught us that this is part of the honour due to those who are the source of our being.

Some things are due to parents and fellow-citizens as such ; some things are due in special circumstances. To a father, as father, are due reverence and dutiful conduct. But he may be sick ; then provision must be made for his infirmity. He may be poor ; then his children owe him support, and all such things are included in dutiful conduct. This is part of the law of nature, as well as of the civil code.

The Common Law is to the same effect. "The child is equally compellable, if of sufficient ability, to maintain and provide for a wicked and unnatural progenitor, as for one who has shown the greatest tenderness and parental piety" (Blackst., i. p. 454).

Why, then, does S. Paul say (2 Cor. xii. 14), "The children ought not to lay up for the parents, but the parents for the children"? Because the father is bound to this *per se*, since children are his natural successors. But the child is not bound to lay up for a parent whom in the course of nature he will survive. The case before us, however, is that of present, not future, need.

Piety has its special object ; *sc.*, parents and country, and those connected with these, under the special idea of paying duty and service to those who are the sources and directors of ourselves.

Therefore piety is a special virtue, a special manifestation of charity.

May the duties of filial piety be neglected on account of religious duties?

The Pharisees were sternly rebuked by Christ (S. Matt. xv.) for putting religion in the place of natural piety. Both are virtues, and cannot contradict one another, nor can the act of one exclude the act of the other.

The act of every virtue is limited by due circumstances, and if these are neglected, the act will be vicious, not virtu-

ous. Now piety exhibits duty and service to parents according to the due mode. But it is not the due mode that parents should be set above God. If, then, the service of parents withdraw us from the service of God, it will not be filial piety if we persist in that service against God (who is the source of the filial obligation). In such a case, God must come first. But if dutiful conduct towards parents does not totally withdraw us from God's service, this conduct is required by piety, and we may not neglect it on account of religion.

There are, indeed, words of the Gospel, liable to be misunderstood, which seem to justify neglect of parents on account of religion. Thus, the Lord said (S. Luke xiv. 26), "If any one come unto Me, and hate not his father and mother, . . . he cannot be My disciple." And, again, it seems to be said in praise of SS. James and John, that "they straightway left the boat and their father and followed Him." So it was said of Levi of old (Deut. xxxiii. 9), that he "said of his father and mother, I have not seen him." And to the man who said (S. Matt. viii. 22), "Suffer me first to go and bury my father," the Lord replied, "Let the dead bury their dead, but go thou and preach the kingdom of God." This pertains to religion; but burying a father is a work of filial piety. Therefore, piety gave way to religion.

But as for the first quotation, parents who are adversaries towards God are to be fled from as if they were hated. If they try to induce us to sin, or to withdraw us from God's service, we do right to desert them. So the Levites ignored their kinsmen when the question arose of punishing idolaters according to God's command. SS. James and John left their father and followed the Lord, not because he tempted them to sin, but because they judged that he did not need them at that time for his support.

There were others who could bury a father, but the Lord, who knows all hearts, called the son from many evils which

would probably follow his father's death (S. Chrys., Hom. xxviii. in Matt.).

We call God "our Father" because the very things which filial piety shows to earthly parents are referred to God, as other works of mercy which are done to our neighbours are offered to Him; and the King will say, "Inasmuch as ye did it unto the least of these My brethren, ye did it unto Me" (S. Matt. xxv. 40).

So I repeat, if our service is so necessary to earthly parents that they cannot be duly supported without it, and they do not induce us to anything against God, we ought not to desert them for the sake of religion. But if we must sin in order to fulfil those duties to them, or even if without our assistance they can be duly sustained, it is lawful to leave those filial duties at the call of religion.

Reverence ("observantia") is a virtue, a form of piety, by which due worship and honour are rendered to those who hold office and dignity.

As an earthly father participates towards us in the universal fatherhood of God, so another who shares in a father's care of us, our education and training, is a *quasi* father, and shares a father's claims upon us. But a person in authority participates in the Divine rule after his earthly manner, as civil rulers, commanders in the army and navy, teachers in their school, etc. It is piety which gives worship and honour ("your worship," "your reverence") to such dignitaries. Their official excellence or dignity entitles them to honour; their authority entitles them to that worship which consists in dutiful service, their lawful orders being obeyed, and their benefits repaid in some manner.

There is a legal observance which is due to those who have authority over ourselves; but there is also a moral observance, which is due to official superiority, even if we are not subject to it.

Honour implies outward testimony to another's excellence.

Before God the testimony of the heart suffices, but towards men such testimony can be given only by outward signs, as words, or gestures, or offering of gifts, or erecting statues. Honour, then, consists in corporeal signs. It is not the same as reverence, which may be either the cause of the honour shown, or the end of the honour, when one is honoured in order that others may reverence him. Praise which consists in words is included in honour, although honour is also of wider extent, being not only rendered for what is intended for some end, but also for those best things which are the very end itself. Glory is the result of praise and honour.

Honour is due to any one only on the ground of some excellence or superiority.

It is not necessary that he who is honoured be in all ways, or even in any way, superior to the one who honours him, because he may be superior to certain others, or have some special excellence in some special particular. Vicious superiors may be honoured, not as superior in virtue, but because of their dignity as ministers of God; in them, also, the whole community over which they preside is honoured. The apostle said (Rom. xii. 10), "In honour preferring one another;" and, again (1 S. Pet. ii. 17), "Honour all men," for in every one may be something for which he is accounted superior to another; "in lowliness of mind each counting other better than himself" (Phil. ii. 3). Service, homage ("dulia"), is due to those who have dominion over others as a kind of participation in the Divine dominion which demands Divine service. Taken in its wider sense, this service or homage, or *dulia*, is of various kinds, as of servants towards their master, of soldiers to their officers, of scholars to their teachers, etc.

§ 2. Obedience and disobedience.

Is a man ever bound to obey another man?

God commands, "Obey them that have the rule over you, and submit yourselves" (Heb. xiii. 17). In the natural order Divinely instituted there are lower and higher ranks, some whose place it is to command through reason and will, others whose place it is to obey. No necessity compels as irrational creatures are driven; the obedience is freely rendered by deliberate choice of it.

(1) The Divine will is the primal rule of action regulating all human wills, but to that Divine will one human will and judgment approaches nearer than another in the Divinely instituted order. He who has right to command becomes a secondary rule for him who obeys.

(2) It might be objected that the more services are gratuitous, the more acceptable they are. If, then, man is bound by obligation to obey others in doing certain good things, his obedience detracts from the merit of his good deed and renders it less acceptable.

But "gratuitous" has two meanings. On the part of the work it means that which one is not obliged to do; on the part of the worker it means that he acts with free choice. But the deed becomes virtuous, laudable, and meritorious chiefly as it proceeds from free-will. And, therefore, although obedience is an obligation, yet if it is rendered by a prompt and ready will, its merit is not diminished on this account, especially before God, who views the heart as well as the outward works.

Obedience is in itself a special virtue, having as its special object the command of a lawful superior, tacit or express, according to that Divine order which is appointed in this world.

So it is specially commanded (Titus iii. 1), "Put them in mind to be in subjection to rulers, to authorities, to be

obedient." The will of a superior, however known, is a tacit precept, and when, by obeying, an express precept is anticipated, the obedience seems to be more prompt and free.

(1) There may be other reasons for doing the thing commanded; it may be an act of some other virtue, although not all the acts of virtue are objects of command (some are counsels of perfection). But some things also are objects of command which would not be evil if they were not prohibited (as police regulations, or the observance of certain days of abstinence). Thus, disobedience is evidently a special sin in contempt of lawful command.

(2) This moral virtue, which is a part of justice, like every other virtue requires a ready will for its proper object, but not for that which is repugnant to the will. Now the proper object of obedience is the command proceeding from another's will. But if that which is commanded be willed for its own sake, as happens in what is agreeable to one's wishes, it may not seem to be done for the sake of the command, but from one's own independent choice.

But when that which is commanded, considered in itself, is repugnant to our own will because it is disagreeable, then the command is manifestly the ground of the action. Therefore S. Gregory said (Moral., lib. ult. c. 10), "Obedience in pleasant things, which has something of its own in it, is either no obedience, or at least is less."

But this applies to outward manifestations. For, according to the judgment of God, who searches the heart, obedience which has "something of its own" may be none the less laudable, if the promptly obedient will none the less sincerely aim at fulfilling the precept.

Is obedience chief among virtues?

As sin consists in man's despising God and adhering to changeable goods, so the merit of a virtuous act consists in making God our end. Greater, then, are the theological

virtues by which the soul cleaves to God than the moral virtues by which some earthly thing is rejected in order that the soul may cleave to God, because the end is greater than the means to that end.

But among moral virtues any one of them is greater as it rejects a greater thing for this end. But there are three kinds of earthly goods which may be given up for God's sake ; earthly goods (as in liberality) and bodily goods (as in temperance) ; but highest are the goods of the soul, and supreme among them is our will, through which all other goods are used. Therefore, in itself obedience is more laudable, in its giving up one's own will, than any other moral virtue. Hence S. Gregory says (*loc. cit.*), "Obedience is better than the sacrifice of outward things, because this may offer the flesh of another, but obedience sacrifices our own will." Hence virtuous deeds of any kind are accepted by God as meritorious in His sight because they are done through this motive of obedience to His will. For if I give my body to be burned in martyrdom, or bestow all my goods to feed the poor, unless I ordain this for the fulfilling of the Divine will, I am nothing. Charity cannot exist without obedience, and without charity all my works are empty of title to reward. "He that saith, I know God, and keepeth not His commandments, is a liar and the truth is not in him. But whoso keepeth His word, in him verily hath the love of God been perfected" (1 Ep. S. John ii. 4).

Why did Samuel say (1 Sam. xv. 22), "To obey is better than sacrifice," which is a part of religion, the highest of moral virtues ? I answer that obedience in all its species springs from reverence towards a superior which offers him worship and honour. As it proceeds from reverence for those who hold high office, it is contained in observance. As it comes from reverence for parents, it belongs to piety. But as it proceeds from reverence towards God, it is a part of religion, and pertains to devotion, which is the chief act of religion. In this aspect of it, to obey is more laudable

than to offer sacrifice ; to offer our own will than to immolate the flesh of a victim.

Are those subject to authority bound to obey their superiors in all things ?

Holy Scripture says (Acts v. 29), " We ought to obey God rather than men." And sometimes the commands of those who have authority are against the will of God. Therefore obedience is not due in all things. For two reasons the inferior may not be bound always to obey his superior. First, a higher power may give an opposite command ; and secondly, the superior may pretend to command where he has no authority to do so. The better part of a man comes under no earthly dominion ; in the inward actions of the will man is bound to obey no one but God. Man may be subject to man in what he has to do through bodily action, but in what pertains to his body itself God is the only Lord. For all are created equal in what pertains to the support of life, the creation of a family. Hence servants are not bound to obey their masters, nor children their parents, in contracting matrimony, or choosing celibacy.

But in what pertains to the ordering of life's actions the subject is bound by his superior's commands within the limits of his authority, as the soldier to his officer in military affairs, the servant to his master in servile works, the son to his father in life's discipline and domestic affairs.

This, doubtless, is the meaning of what the apostle said (Col. iii. 20), " Children, obey your parents in all things ;" *i.e.*, all things within the scope of parental right.

In reasonable doubt we must stand by authority, for "*melior est conditio possidentis.*"

Christians are bound to obey the secular power.

" Be subject to every ordinance of man for the Lord's sake ; whether it be to the king as supreme, or unto gov-

ernors, as sent by him" (1 S. Pet. ii. 13). For the faith of Christ is the very foundation of justice; and by that faith the order of justice is not taken away, but rather established. But the order of justice requires that the inferior obey the superior, otherwise human society could not continue.

(1) But are not "the children free"? Yes; through the grace of Christ, free from the spiritual bondage of sin. But that grace does not liberate from corporeal defects, or from earthly rulers.

(2) But S. Paul was "dead to the law" (Rom. vii. 4), and human law is of less account than the Divine law of the Old Testament. Yes; but that Old Law was a figure of the New Testament, and so came to an end when the truth appeared. The case is not similar in human law.

(3) But men are not bound to obey robbers; and many a state is founded in usurpation or robbery, and many a ruler is as unjust as the rest of men. Yes; but obedience is due so far as justice requires, and no farther. No one is bound to obey usurped power (until, at least, general acceptance gives it the sanctions of legitimacy), or unjust commands, except accidentally, to avoid scandal or danger to self or others.

Disobedience: is it a mortal sin?

That is, is it contrary to charity, which is the soul's life? Charity is love of God and our neighbour. But charity towards God demands that we keep His commandments. Therefore disobedience to Divine precepts is mortal sin. But among Divine precepts is the command to obey those in authority. Therefore disobedience of this kind is also mortal sin. "He that resisteth the power, withstandeth the ordinance of God" (Rom. xiii. 2). And Rom. i. 30 places disobedience to parents in the same category. But when anything is done contrary to the precept, yet not

through contempt of it, the disobedient act pertains to some other sin ("formally"), and may be a venial one.

(1) Disobedience is the child of vainglory, which may be a sin not mortal. Yet since venial sin is a disposition to mortal transgression, vainglory may produce what is infinitely worse than itself.

(2) No one is obliged to impossibilities ; and if the superior lay so many burdens on those under him that they cannot be endured, the "material" act of disobedience is no sin.

§ 3. Gratitude, ingratitude, and vengeance.

Gratitude is a special virtue which returns thanks and recompense to benefactors.

The greater, indeed, contains the less ; so that gratitude to God is part of religion, and gratitude to parents is part of piety, and gratitude to superiors from whom come public benefits is part of observance ; but there are also other benefactors from whom some particular and private benefits are received, and gratitude is due to them also.

Proportional return for favours received, if viewed as a debt, pertains to commutative justice. But gratitude is the return which is made as due to moral indebtedness alone, which debt one pays of his own accord.

The penitent owes most gratitude to God.

"To whom little is forgiven, the same loveth little" (S. Luke vii. 47). But where there is greater favour shown, there greater thanks are due. The grace may be greater in amount. So viewed, the innocent owes greater thanks, other things being equal, because he has received from God in larger measure and in longer continuance. But the grace is greater also when it is given from more abounding love. From this point of view it is the penitent who owes most thankful love, because he has received from more abounding love. For when he was worthy of death he

received the gift of grace. So his gift is comparatively greater, just as a small gift to the poor is relatively greater than a large gift to the rich.

Natural order requires that gratitude be rendered to every benefactor.

But what if favours be conferred with delay and insult, or marks of dissatisfaction? It is the sign of a good mind to attend more to the good than to the evil. If any one has conferred a benefit in an unsuitable manner, thanks are still due, though gratitude requires less because the favour is less.

Suppose that one confers a favour on another for his own advantage. Let Seneca meet the difficulty (De Benefic. vi. 12): "One may confer a benefit for his own sake, or for ours, or for both his and ours. And there is a wide difference between these. He who merely looks after himself, and benefits us because otherwise he cannot benefit himself, seems to me like one who provides fodder for his sheep. But if he have only admitted me to fellowship with himself, if he have thought of us both, I am not only unjust but ungrateful if I am not glad that what has benefited me has also benefited him. It is the height of malignity to deny a benefit unless it has put the giver to inconvenience."

Are we bound to thank a servant for favours received from him? Let Seneca answer again (lib. iii. c. 2): "As long as a servant does his ordinary duty, it is his service; when he does more, he puts himself in a friend's place, and confers a benefit." He has a moral claim for grateful acts.

Again, it may be said that no one is bound to do what he cannot do honourably and usefully; but a benefactor may be in such prosperous circumstances that recompense is useless; or he may become so vicious that recompense would be unbecoming; or he who is benefited is poor, and unable to make return.

But the poor is not ungrateful if he do what he can.

And since the benefaction consists more in the affection of the heart than in its outward result, the recompense also is principally the gratitude of the soul. Reverence and honour can be given, no matter how prosperous a benefactor may be.

But even if a benefactor have fallen into vicious habits, still recompense must be made according to his condition; *e.g.*, by using efforts to recall him if possible to a better life. But if his wickedness be incurable, he is differently affected from what he was before, and recompense is therefore no longer due, except in grateful recollection of what is past.

Lastly, suppose that requital of favours received is useless or injurious to the recipient. Recompense chiefly depends on the affection of the heart, and is outwardly to be made in that way which seems to be most useful. And if afterwards through his negligence it turn to his own loss, that is not to be imputed to our gratitude in making the return.

The inward gratitude is to be offered at once; the outward return, at the most opportune season. Undue haste in returning gift for gift does not seem to be virtuous recompense, but unwillingness to be indebted for a favour.

Acts of gratitude are due according to a benefactor's good will, not merely according to the favour conferred.

As the requital of a benefit pertains to justice and is a kind of legal debt, recompense considers the quantity of the thing bestowed. But gratitude regards the benefit as freely given. Therefore it considers more the intention than the actual effect.

It is true that God only sees the benefactor's heart; but signs of good will are visible, as the prompt and cheerful action of a friend who assists us.

The requital, therefore, is after the same pattern, not measuring *quid pro qua*, but rather exceeding the favour received.

Ingratitude.—Ingratitude is always a sin, counted with other sins of the last days (2 Tim. iii. 2).

For gratitude is a moral obligation which virtue requires and pays.

(1) Gratitude is for benefits ; but he who helps another in sin does not confer a benefit, but rather does an injury. To him no thanks are due, unless perhaps for his good will if he have been himself deceived and have thought that he was aiding in the good. And then the recompense is not the aiding him in sin ; for this would not be paying him in good return but in evil, which is contrary to gratitude.

(2) Inability excuses no one from gratitude, because that debt is paid by a grateful will. But forgetfulness pertains to ingratitude ; not, indeed, that which proceeds from natural defect of memory, which is not subject to the will, but that which is due to negligence.

(3) You may say, he does not appear to sin who is unwilling to be under obligation to another ; and S. Paul says (Rom. xiii. 8), “Owe no man anything, save to love one another.” But the debt of gratitude is derived from the debt of love, from which no one should wish to be released. If any one owe this debt unwillingly, that seems to be due to defect of love towards his benefactor.

Ingratitude is a special sin, because it is opposed to the special virtue of gratitude, in various grades of sin. First is not returning benefits ; worse is dissembling, not praising for the kindness received ; worst is want of grateful recognition, through negligence or any other such cause. These seem to be negative ; but there is also the positive ingratitude, first, of returning evil for good ; next, of scoffing at the benefit ; and third, of calling it an injury.

It is sometimes, indeed, venial sin, being imperfect in its kind ; but it is also sometimes mortal sin.

The debt of gratitude is one which is freely paid when one

is not bound to do so. This may happen to be neglected through mere carelessness.

But, on the other hand, there may be inward contempt (which is lack of charity); or a benefactor may stand in need of help; ingratitude under such and similar circumstances is mortal sin. This negative ingratitude and the positive under like conditions are perfected sin, and therefore mortal.

Venial ingratitude is not contrary to the habit of charity; it is neglect of one of its acts.

Vengeance (vindicatio): is it lawful?

It is not *per se* evil and illicit. For no such thing can be attributed to God, as in S. Luke xviii. 7, "Shall not God avenge His elect which cry to Him day and night? . . . I say unto you that He will avenge them speedily." Vengeance inflicts some penal evil on the offender. Therefore we must consider the *animus* of him that takes vengeance. For if his intention be directed chiefly to the evil which he causes, and rests there, his action is altogether unlawful (it is revenge); for delighting in another's evil pertains to hate, is opposed to charity which requires us to love all men.

Nor is any one excusable in aiming at the evil of him who has unjustly caused evil. One is not permitted to hate the man who hates him, for we ought not to sin against another because he has first sinned against us. This is to be "overcome of evil," which S. Paul prohibits (Rom. xii. 21). But if the aim of him who takes vengeance be primarily some good which is to be reached by the punishment of the sinner, as his amendment, or at least the checking of him and the quiet of others, the preservation of justice and the honour of God, vengeance, under due conditions and circumstances, may be lawful.

(1) But is not this usurping what belongs to God? He says (Rom. xii. 19), "Vengeance belongeth unto Me; I will recompense." I answer that he who, according to his

office, inflicts vengeance, does not usurp what is God's, but uses the power Divinely conferred upon him. "He is a minister of God ; an avenger for wrath to him that doeth evil" (Rom. xiii. 4). But if he does any such thing apart from the order Divinely instituted, he does usurp what belongs to God, and therefore he sins.

(2) The evil are tolerated by the good, who patiently endure injuries done to themselves, so far as they ought to do so. But they do not tolerate injuries done to their neighbours and to God.

(3) The law of the Gospel is, indeed, a law of love, and therefore vengeance is not a terror to those who do right with love in their souls, and these alone are properly under the Gospel law. But those who are not moved to the good by means of charity may be nominally in the Church, but they are not of it, and cannot claim the Gospel law of love.

(4) But ought we not to learn from the example of Christ not to revenge our injuries, but magnanimously to endure them? Yes ; so far as the injury pertains to one's own person, if it be best so to do. But the injury done sometimes extends to society and to God. And then it may, under due conditions, be avenged, and ought to be avenged. Elijah and Elisha followed the law of righteousness in what they did, though the injuries done were primarily directed against themselves.

(5) What shall we say of the sin of a multitude, as in lynch law executed by a mob? Their sin is more injurious than that of one only. Yet vengeance is not to be taken for it. A whole diocese cannot be excommunicated for the sin of the great majority of its members. "Let both grow together until the harvest," lest the wheat be rooted up (S. Matt. xiii. 30).

I answer that when the whole people sins, vengeance may visit that people, as it does in many a just war ; see also the story of the golden calf, in Ex. xxxii. But if the correction of the multitude who follow a few leaders is to be hoped for,

vengeance may select the chief offenders, as in Num. xxv. 4. But if offenders and innocent are so mingled that there is no distinguishing of the one from the other, severity may be unwise. So with respect to rulers. Their sin is to be tolerated, if it cannot be punished without great scandal among the people, unless the temporal or spiritual injury is of more account than the scandal which is to be feared. (A very serviceable rule concerning evil and scandal in the Church.)

Observe that the natural inclination to remove what is injurious is in all animals, including man. And in us it is a certain aptitude for a special virtue, which special virtue proper vengeance is.

Are penal statutes on the whole just and expedient?

Vengeance restraining the evil is lawful and virtuous. Now there are those who have little or no love for virtue, who are so restrained through fear of losing what they value more than what they gain by doing wrong. Fear does restrain sin. Therefore proper vengeance consists in taking away what men most value. This is life, liberty, and outward goods. The proper penalties, therefore, are capital punishment, flogging, imprisonment, exile, loss, ignominy.

(1) The Lord forbade the tares to be rooted up, when that would endanger the wheat. But sometimes the bad can be sent out of this world, not only without danger to better men, but even for the great advantage of the latter.

(2) All mortal sins are worthy of eternal death, according to the Divine judgment. But the penalties of this present life are rather medicinal; and therefore only those offences deserve capital punishment which are the most harmful to other men.

Is vengeance to light on those who sin involuntarily?

Penalty is due only to sin. But all sin is voluntary;

therefore involuntary transgression is not to be followed by vengeance.

But this applies to vengeance as such. By penalty is repaired the violation of justice, due equality is restored ; he who has sinned by unduly following his own will, suffers something contrary to his will. But penalty may be considered also as medicinal ; it may aid the healing of past wounds, preserve from future ones, promote some good. So viewed, punishment sometimes comes on one without his fault, but not without cause.

This medicinal punishment, as such, never takes away a greater good for the sake of lesser good ; but the less may be lost for the sake of helping the greater. Thus one may lose earthly goods without his fault for the sake of spiritual humiliation or probation. This is Divine visitation. But no one is punished with the loss of spiritual goods except through his own fault.

§ 4. Veracity and vices opposed to it.

Veracity is a special virtue by which our outward words and actions are duly made signs of the thoughts of our hearts.

It is a part of justice ; not that there is herein any question of legal obligation, but there is a moral debt which we owe to others. (They have a right not to be deceived by us.)

Because man is made for society, is "a social animal," it is a law of nature that each owes to other that without which society cannot be preserved. But men cannot live peaceably and securely with one another, unless they trust one another's words and actions as signs of their thoughts. Therefore veracity is a moral debt which we owe to one another.

In affirmation one may, without deceit, fall short of the whole truth, as when one does not manifest the whole good that is in himself, his knowledge, holiness, or something else of that nature. This does not prejudice the truth, for

the less is contained in the greater (2 Cor. xii. 6). But negation is different ; for to deny that one possesses what is really in him, is falsity.

Lying.

A moral act takes its character as such from its direct object and from its end as the object of the will. Veracity and lying consist in voluntary manifestation of thought through external signs. And the object of the manifestation is the true or the false. But the intention of the evil will is two-fold : first, to enunciate the false, and, next, the effect of that ; viz., to deceive another.

If, then, those three concur, a falsehood enunciated, the will to enunciate what is false, and the intention to deceive, then we have (1) actual, "material" falsity ; (2) moral, "formal" falsity, and (3) effectual falsity in the wish to deceive.

But falsehood proper depends on the second of these, and a falsehood is that enunciation which is contrary to the mind of the enunciator.

If any one, therefore, enunciates what is false, believing it to be true, it is a "material" falsehood, but not formally, morally such, because the falsity is contrary to the intention of the enunciator, and the assertion falls short of the perfect idea of a falsehood.

But if any one utter what is formally false—i. e., having a will to enunciate falsehood—what he says may be actually true, but, as voluntary and moral, his act has falsity *per se* and truth accidentally ; it is a falsehood. The same principles apply to falsity in action.

That any one intend to deceive another, as the effect of his enunciation, is not included in the definition of falsehood (*mendacium*), for so would be excluded falsehoods uttered in joke, where there is no intention of deceiving. But this intention goes to make up the perfection of falsehood.*

* The English language, and the English-speaking races, so far as their language expresses their moral thought, seem to stand on a higher

How are falsehoods (mendacia) divided?

Falsehood may transcend the truth, in exaggeration or boasting; it may fall short of the truth, in what we will call "irony."

But as a fault or sin, we may divide falsehood according to the end aimed at, which aggravates or diminishes the fault. (1) Another's harm may be intended; this is an injurious falsehood (*mendacium perniciosum*); (2) some benefit or the removal of some harm may be aimed at; this is a serviceable falsehood, a "white lie" (*mendacium officiosum*); (3) it may be uttered simply to give pleasure, as in facetious falsehoods, compliments, flattery, etc. (*mendacium jocosum*); these are at least of a less grave character.

S. Augustine's divisions (De Mend. c. 14) with reference to the end sought for are more complete: (1) Falsehood against God, in the doctrines of religion; (2) against man with the intention of injuring some one, and not of benefiting any one; (3) with intention of injuring some one for another's benefit. These are forms of injurious falsehood. (4) Falsehoods from the mere desire of deceiving, or saying what is false, which come from the habitual liar.

(5) Falsehoods which hurt no one, and are uttered for the preservation of property; (6) for the saving of life; (7) for the preservation of chastity. These three belong to serviceable falsehoods. (8) Lastly come falsehoods uttered in order to please (as compliments, flattering remarks, etc.). They belong to the third class mentioned above.

plane than the Latin language, and the nations using its derivatives. For our two words, "falsehood" and "lie," express moral differences which are lost or blended in *mendacium*. The lie, as we use the word, seems to imply the intention to deceive; and to call a man a liar is the gravest insult, because we impute an evil intention which we can only infer. But the falsehood may be uttered without that intention, through ignorance, or carelessness, or in joke. Falsehood, therefore, seems to come nearer than the stronger word, "lie," to "*mendacium*," as the term is used by S. Thomas Aquinas.

Is every falsehood a sin?

Falsehood is evil in itself, being contrary to the law of nature; for signs are naturally so connected with things signified that it is unnatural and wrong to signify what one has not in his mind. "He that uttereth lies shall not escape" (Prov. xix. 5).

(1) Are examples of falsehood in Holy Scripture ever spoken of therein with commendation? For example, the midwives in Egypt told a downright lie with intention to deceive (Ex. i. 21). But they had their reward with God, not for their lie, but for their godly fear and benevolence. Examples of perfect virtue may be found in Holy Scripture; but some are commended there (as Jael, the wife of Heber the Kenite), not for perfect virtue, but for a virtuous disposition, which was sullied with many imperfections. (Yet, to the best of her knowledge, Jael was on the Lord's side against the enemies of the Lord's elected people.)

(2) It may be said that a less evil is to be chosen in order to avoid a greater one; and there is less harm done in generating a false impression in the mind of another than in killing or being killed. Therefore it is lawful to lie in order to keep one man from homicide, and to save another from death. But the lie is sin not merely from the harm done to a neighbour, but from its own violation of God's order. "Speak ye truth each one with his neighbour; for we are members one of another" (Eph. iv. 25). And it is not permitted to use any illicit violation of Divine order in order to hinder the doing of injury. So it is not permitted to steal in order to have something to give away. Therefore, it is not lawful to tell a lie in order to liberate another from some peril. But it is lawful prudently to keep back the truth.

(3) It may be said, also, that it is a falsehood if one does not fulfil what he has promised; but not all promises are to be fulfilled; evil ones should be violated, and, therefore, not every falsehood is a sin. But he who promises anything with the intention of keeping his promise does not tell a

falsehood, for he does not speak contrary to what he has in his heart. If he does not do what he has promised, he seems to be acting faithlessly in changing his mind. But he is excusable, first, if he have promised what is manifestly unlawful; he sinned in promising, he does well in changing his purpose. Next, he is excusable if the condition of persons and things be altered. A man is bound to do what he has promised provided that all important conditions remain unchanged. Otherwise, he was neither false in promising, because he promised what he had in his mind, the due conditions being understood; nor is he faithless in not doing what he promised, because those conditions no longer exist.

(4) Compliments, and other *mendacia jocosa*, have the nature of falsehood as acts, for there is the will to utter what is known to be false; but there may be no intention to deceive, and no actual deception may be produced.

Is every falsehood a mortal sin?

Mortal sin is properly what is opposed to charity whereby the soul lives in union with God. But a falsehood may be opposed to charity in three ways: (1) First, in itself, as signifying what is untrue. If this regard Divine things, it is opposed to the love of God, whose truth is hidden or corrupted by such a falsehood. This is not only opposed to charity, but to faith and religion, and this falsehood is, therefore, most grave, and is mortal. But if the false expression concern that whose knowledge pertains to man's good—*e.g.*, to the perfection of knowledge and instruction concerning the moral life—such a falsehood, causing loss to one's neighbour through false opinion, is opposed to love of our neighbour, and is mortal sin. But if the false opinion thus produced concern something which is indifferent, where it matters not whether it be known or not, then a neighbour suffers no loss from such a falsehood; *e.g.*, if one were deceived in small, contingent particulars with which he

had no concern. Such a falsehood, viewed in itself, is not a mortal sin.

(2) By reason of the end aimed at a falsehood may be opposed to charity, as when what is said is intended to do injury to God's honour, or other attribute of His, which is contrary to religion and is always mortal sin; or when it is intended to injure our neighbour's property, person, or good name; and this, also, like any wilful injury of another, is mortal sin. By merely intending to do what is mortal sin, one sins mortally. But if the end aimed at be not contrary to charity, the falsehood will not, so viewed, be mortal sin, as is apparent in complimentary remarks, and some "white lies" which are intended for some benefit to a friend. (This does not imply that they are no sin, but that they are not that deadly sin which destroys the spiritual life.)

(3) Accidentally, even such a lesser sin may be contrary to charity by reason of the scandal given to others, or some resulting harm which will make even a "white lie" to become mortal sin.

(1) But the Psalmist says (Ps. v. 6), "Thou shalt destroy them that speak lies." This, no doubt, is said of those who are injuring others by their falsehoods.

(2) Is not every kind of falsehood prohibited by the Ninth Commandment? Since all the precepts of the Decalogue are reducible to the love of God and our neighbour, falsehood is so far against the Ninth Commandment as it is contrary to charity. Hence, "bearing false witness against our neighbour" is explicitly named.

(3) But it is to be remembered that venial sin is iniquity, being against just equity; therefore S. Augustine says (De Doctr. Christ. i. 36), "Every one who utters a falsehood violates confidence; for he certainly wishes that another whom he tries to deceive have confidence in him, which confidence he violates. But every violator of trust is iniquitous." (So the apostle, Eph. iv. 25. And note that the argument applies with force to beneficial lies (*mend.*

officiosa), which are violations of fidelity, if not directly of charity.)

Simulation and hypocrisy.—All simulation is sinful.

For we have seen that veracity is the virtue by which one presents himself outwardly through external signs such as he inwardly is. But these signs are not only words but actions also. As, then, it is opposed to the virtue of veracity that one express in words what is not in his heart, it is equally so to make use of outward things or actions for the same purpose. This simulation is an acted falsehood. And since every falsehood is a sin, every simulation is a sin (under the same conditions).

As it is not falsehood to be lawfully silent respecting what actually exists, so it is not simulation to fail to signify in other manners than by words what actually is. Thus it is not the sin of simulation to conceal a sin, for fear of scandal given to others.

All hypocrisy is simulation,

but not all simulation is hypocrisy, but only that which simulates another's person, as when the sinner pretends that he is a just man. He wears a mask, as the name hypocrite indicates.

But it may be objected that the hypocrites of the Gospel when they were giving alms showed outwardly what they were inwardly doing (S. Matt. vi. 2). I answer that the outward action naturally signifies the intention. When, therefore, in good works which naturally pertain to God's service, any one does not seek to please God, but to please men, he feigns a right intention which he does not possess.

Is hypocrisy always mortal sin?

The hypocrite of the Gospel is a mortal sinner, for he has two vices, defect of sanctity, and simulation of it; and his aim is both these vices; that is, he does not care to be

holy, but only seeks to appear such. This is mortal sin ; for no one is totally deprived of holiness except through mortal sin. But if he who conceals his sin, and therefore intentionally feigns a holiness which he does not possess, be called a hypocrite, his sin indeed may be mortal, but the act of simulation is not an added mortal sin.

This you may see from considering the end aimed at. If the simulation be opposed to the love of God or one's neighbour, say, that the end is to spread heresy abroad, or to get office in the Church when one is unfit for it, or money, or reputation, as the end of the hypocrisy, any of these or the like makes the sin evidently mortal.

But if the feigning were out of pure vanity (*e.g.*, delighting in the clerical garb without reference to the sanctity which it symbolizes and requires), sinful as it is, it may possibly not destroy totally the love of God in the soul ; that is, it may be venial sin.

Boasting ("jactantia"), and its opposite vice ("ironia"), self-depreciation.

There are two kinds of boasting, or extolling one's self in words. One may speak of himself not, indeed, above what he is in truth, but above men's opinion of him, which sort of boasting the apostle disclaims in 2 Cor. xii. 6. But in another way one may extol himself above what he truly is, and this is more properly boasting, and is manifestly a vice opposed to truth.

Perhaps its most frequent cause is the arrogance of pride, elevating one inwardly above his measure, and finding outward expression in boastful words, although personal vanity may produce the same result. Its end is vainglory or worldly gain.

Is it mortal sin ?

As a form of falsehood it is sometimes directed against the glory of God, like the boasting of the Prince of Tyre (Ezek. xxviii. 2). Sometimes it is opposed to love of our

neighbour, like the Pharisee's boasting in S. Luke xviii. 11, "God, I thank Thee that I am not as the rest of men," etc. These are mortal sins (Ps. xii. 3).

But sometimes one boasts out of idle vanity, neither against God nor against his neighbour; this is sinful, but it may be venial sin. But, again, we may consider its cause, as pride, lust of gain, or vainglory; and if its cause be deadly sin, so will be the boasting from that cause. The lust of gain may lead to boasts for the purpose of deceiving and causing loss. This is deadly sin.

And, again, the vanity which produces it may set one's self above God's love, or lead to contempt of Divine commands. This will make the apparently harmless boasting a deadly evil.

Self-depreciation ("ironia").

There are two kinds of this also. One may be truly veracious, while he is reticent respecting the better things which he knows to be in himself, but discloses the faults which he knows that he has. This in itself is not sin, though the circumstances may make it such.

But, also, one may decline from truth in asserting some vile thing of himself which he does not recognize to be in him, or denying some good thing which he perceives that he possesses. This is the sin which, for lack of a better word, I have called "*ironia*."

It is no excuse for this sin that we are avoiding the opposite sin of self-exaltation, or pride.

§ 5. Affability and liberality, with their opposite vices.*

I mean by *affability* that courtesy or friendliness by which

* Note here and throughout this work that a moral deterioration in the English language is found in the use of the term "vice." Originally it was any habit of sin, and the word is so used throughout this manual of Moral Theology. But popular use has lowered the word, morally speaking, to any habit supposed in any way whatsoever to be injurious; say, the "*vice*" of using tobacco.

a man becomingly orders his intercourse with other men in words and deeds. It is a special virtue of outward conduct even towards strangers.

It is a part of justice, or a virtue annexed to justice, for though there is here no question of a debt of legal obligation, there is a moral obligation on the part of a virtuous man to treat others in a becoming way.

Since man is by nature "a social animal," it is a law of nature not only that he preserve fidelity in his relations to his fellows, but that he take all pains to make his fellowship a source of pleasure to others; for pleasure as well as veracity is essential to human intercourse. The exception is when for some good cause it is necessary to produce beneficially the opposite feeling in men with whom we have to do; say, when some good is to be accomplished or some evil avoided by blame, etc.

Adulation.

One may attempt on all occasions to use flattering words, either for his own profit, or simply for the purpose of giving pleasure to another. The motive or other circumstances will determine whether or not the praising others is a sin. One may wish to console in trouble by giving pleasure, or to help another's progress in good; and, other due conditions being observed, this may pertain to the virtue of friendliness. But it will be the vice of adulation if one praise another for that which is not laudable, or is, perhaps, positively wrong; or if by doing so he incite to vainglory; or if his flattery aim at some personal advantage for himself.

Flattery is sometimes a mortal sin,
and sometimes a sin not so deadly. It is mortal whenever it is contrary to charity, as when what is sinful is praised; for this is contrary both to the love of God and to the love of our neighbour. Again, it is mortal by reason

of the intention ; as when one flatters another in order to injure him fraudulently either in body or in soul. Again, adulation may give to another occasion to sin even without any such direct intention. And then it will be necessary to consider whether the occasion was actually given, or merely taken, and also what kind of injury resulted. The question is like that of scandal, which has already been considered (page 254).

But if one, simply out of an eagerness to give pleasure to others, use flattering language, or even if its object be to avoid some evil, or to obtain some needed good, the adulation is not against charity, and the sin will stand on the same footing with other falsehoods of similar character.

Unfriendliness, captiousness, moroseness ("litigium").

Contradicting others may be due to discord, when one refuses to assent to what another says on account of a want of charity towards him. But, again, one may contradict another from a general moroseness which has no hesitation in making one's self disagreeable. This is opposed to that virtue which we have named affability.

This form of contentiousness is, in itself, a graver sin than flattery, although the injurious motive may make adulation a more sinful thing. That which is baser in human actions is not always the graver sin. For the glory of man is his reason; and therefore carnal sins, by which the flesh gets lordship over reason, are more degrading than spiritual sins; although these are graver, because there is more contempt of God in them. Similarly, sins which have guile in them are baser, although open sins may sometimes contain more contempt of God. So it happens that guileful adulation seems to be baser, although quarrelsomeness seems to be graver.

Liberality.

Liberality is the virtue by which we use well the things

of this world which are granted to us for the support of our earthly life.

(1) Natural inclination, indeed, leads each one to provide for himself rather than for others. But this is not contrary to the virtue of liberality, because a very little suffices for one person, and also the liberal man does not so provide for others that he neglects himself and those belonging to him. He uses money, and whatever can be measured by money, not as throwing it away in prodigal fashion, but judiciously securing, first, provision for his own support and for what is needful for executing his virtuous works.

(2) The prodigal is not to be regarded as a liberal man, because he does not follow the dictates of right reason as virtue does. And, on the other hand, the virtuous poor may be liberal, because the virtue does not consist in a multitude of gifts, but in the virtuous affection of the giver (Nic. Eth. iv. 1).

Those passions which are concerned with money or its equivalent are the immediate subject of liberality, as love of riches, desire for them, pleasure in them, sorrow at parting with them. Liberality hinders any inordinate affection for money from preventing the due use of it. But this due use is two-fold ; first, for the owner's expenses ; next, for others through gifts to them. The liberal man is free in his expenditure, free in convenient gifts.

But, of course, the virtue is far greater which leads to the giving than that which leads to the expending.

Liberality is not, properly speaking, a part of justice, because the latter returns to another what is his ; but liberality bestows what is its own.

Yet there is a certain relation between them ; first, because they are both primarily relative to another ; and secondly, because they are both concerned with external things.

Liberality, also, is not concerned with legal debt as justice is, but it recognizes a moral obligation.

Beneficence and pity also give, but their giving proceeds from some special affection towards its object, and therefore such giving pertains to charity or friendship. But liberal giving is due to a special affection with regard to money which is neither inordinately desired nor loved. Hence the giving is not only to friends or to the suffering.

Is liberality chief among virtues?

Every virtue is directed to some good ; and the greater the good, the greater the virtue. But primarily and *per se* liberality directs the soul with respect to the possession and the use of money. This places it below such virtues as temperance, which govern bodily concupiscences and pleasures ; and below courage and justice, which are ordained for the common good ; and still more below those virtues which are ordained for Divine good. This is the order : first, Divine good ; then, the common good ; then, private good of soul, of body, and, lastly, private good in outward things.

But liberality may be directed to any or to all of these, and so it will have a secondary excellence as useful for many things.

God, indeed, “ giveth to all men liberally, and upbraideth not ” (S. Jas. i. 5) ; but this Divine giving comes from Divine love, not from such mode of regarding external goods as enters into our definition of liberality in man.

Avarice : is it a sin ?

God’s Word says (Heb. xiii. 5), “ Be ye free from the love of money ; content with such things as ye have.” In everything the good requires a due measure, and evil comes from going beyond or falling short of that measure. This applies to all things which exist for a certain end ; they

must be commensurate with that end, as medicine with reference to recovery of health.

But outward goods are things useful for some end ; and therefore, necessarily, the good of man, so far as they are concerned, consists in a certain measure, a man seeking to have them so far as they are necessary for his life according to his condition in the world.

Therefore there is sin in going beyond or falling short of this measure, when, namely, one beyond or within the due mode wishes to acquire or to keep outward riches. Avarice is immoderate love of possession. Therefore it is a sin.

(1) The desire of external things is natural to man, but as means to an end. It is therefore free from sin so far as it falls under a rule derived from its end. But avarice exceeds this rule.

(2) But is it sin against God, against self, or against our neighbour ? It may be against all three ; for it implies disordination outward or inward. The getting or the keeping of riches may be directly sin against our neighbour, when one man superabounds in wealth through the poverty of many others.

Or, again, the lust of riches, immoderate love of them or pleasure in them, is a sin of man against himself, because his inward affections are disordered.

And avarice, like any other mortal sin, is against God, inasmuch as man for the sake of temporal good despises the eternal good.

(3) It is true that the old, on account of failing powers, do naturally seek the aid of external things, like any other needy persons (Nic. Eth. iv. 1) ; but natural inclinations are to be governed by reason, and the aged are not free from sin if they exceed reason's due measure.

The special sin is the inordinate seeking of a special good ; *sc.*, riches as numbered among the goods useful to man (Rom. i. 29).

Avarice may be opposed to justice in the getting and

keeping riches against the rights of others ; but when we consider the inward affection, the immoderate lust for riches, even apart from any wish to plunder from others, there is the sin of avarice plainly opposed to liberality. It neglects not the legal debt of justice, but the moral debt of reason.

Is avarice always mortal sin ?

When opposed to justice it is mortal sin, for it involves unjustly taking or keeping what is another's. But, like theft (see page 304), the imperfection of the act may make it venial.

But, as opposed to liberality, avarice implies inordinate love of riches. And if this so increase that it is set above charity, so that through love of riches one does not fear to act against the love of God and his neighbour, avarice is mortal sin (Rom. i. 29).

But if the inordinate love keep within this, so that it is not preferred to Divine love, and one is not willing to do anything against God or his neighbour for the sake of riches, avarice is venial sin.

The lust of riches darkens the soul whenever it excludes the light of charity.

Is avarice the greatest of sins ?

Every sin, because it is evil, consists in some corruption or privation of some good ; but, as it is voluntary, it consists in the desire of some good. So the relative gravity of sins may be viewed in two ways ; first, as regards the good which is despised or corrupted ; the greater that good, the graver is the sin. In this way the sin which is against God is the greatest of all sins ; next to that, the sin against the person of man ; after that, sin respecting outward things which are intended for man's service, among which sins is avarice.

But, in another way, the grade of sins may be viewed ac-

according to the good to which human appetite is inordinately subject. The less that good, the more shameful is the sin. But external goods are the lowest that man can obtain ; less than corporeal goods, which, again, are less than the good of the soul, which is exceeded by Divine good. Thus viewed, avarice has the greatest deformity. But since the corruption or privation of good is the essence, the "formal part" of sin, and since the conversion to transitory good is the "material part," the gravity of sins depends rather on the first than on the second. Therefore avarice is not simply the greatest of all sins.

Yet avarice has its own special danger ; *sc.*, that it is most difficult to be eradicated from the soul, always increasing with increasing age and need of outward help.

Avarice is a spiritual, not a carnal, sin.

Sins are rooted in the affections or passions of the soul, and they are consummated in its pleasures and pains. Some of these pleasures are carnal, some are spiritual ; and those are called fleshly sins which are completed in fleshly pleasures ; those are spiritual sins which are completed in spiritual pleasures resulting from apprehension of the mind. And such a sin is avarice.

It has a material object, indeed, but the pleasure is not corporeal but mental. The sin, however, may be said to have an intermediate place between purely spiritual sins, like pride, and purely fleshly sins, like lust or gluttony.

Avarice is a capital sin.

Sins are so called which, being viewed as an end, originate other vices. Now the end most of all sought for is felicity, which riches promise in offering what is sufficient for all needs. As all pleasures can be purchased, or seem purchasable, money virtually appears to contain them all, and so its possession seems to be the height of felicity, and so originate—

The daughters of avarice ; viz., treachery, fraud, deceitful words, perjury, restlessness of soul, violence, hardness of heart.

Prodigality.

Prodigality is the vice which is opposite to avarice. The avaricious loves riches to excess, but the prodigal lacks due care for what is an earthly means to a well-ordered life. The prodigal goes to excess in giving, but falls short of duty in getting and preserving, while the avaricious, on the contrary, fails in giving, but goes to excess in getting and in keeping.

The prodigal son (S. Luke xv. 13), "wasted his substance in riotous living." And so prodigality may seem to be opposed to a temperate and continent manner of life. And this is most frequently the case. But prodigality as such may be directed to other evil ends, or it may be the mere indifference to riches which leads to wasting them. So it is directly opposed to avarice.

Is prodigality a sin?

Virtue is corrupted by defect as well as by excess. And although the apostle said that the inordinate "love of money is the root of all evils" (1 Tim. vi. 10), that does not imply that all evils always spring from avarice, but that there is no evil which does not sometimes originate in that capital sin. Even prodigality sometimes originates there, as when one prodigally wastes many things in order to win the favour of others, and to get a larger return.

When the apostle (1 Tim. vi. 17) said, "Charge them that are rich in this present world, that they be ready to distribute," he spoke of giving according to duty, which is precisely what the prodigal does not. Prodigality is not liberality. For the excess of the former is not a question of mere quantity in giving, but rather of going beyond duty

and propriety. The liberal sometimes gives more than the prodigal, if it be necessary to make large gifts.

Prodigality, considered in itself, is not so grave a sin as avarice. For, first, it is not so far away from the virtue of liberality, which also freely gives. Secondly, the prodigal is useful to many by giving to them; the avaricious is useful to none, not even to himself. And, lastly, prodigality, as such, is far more easily cured, both by advancing age, by losing what has been wasted, and by the easy transition from this vice to liberality; whereas avarice is rarely cured.

Both of them sin against others and against themselves. The prodigal sins against himself in wasting what is useful to himself, and against others in consuming what ought to be properly dispensed for the needy. And this is conspicuously true of the clergy, if they expend on themselves in luxuries or in pleasures what ought to be bestowed for the needy and for the Church.

The avaricious also sins against his neighbour and against himself; but while the prodigal may do good to some one, the avaricious benefits neither others nor himself, because he does not dare to use his goods even for his own benefit.

§ 6. Equity ("epicheia").

Human acts, concerning which laws are promulgated, can vary infinitely; and therefore it is not possible that any rule of law should be instituted fitted to all cases which may occur. Legislators are obliged to fit their laws to what generally occurs, but in some cases keeping to the letter of the law would be contrary to the equality of justice, and to the common good which is the aim of the law. Thus, law decrees that deposits shall be returned to their owner, because this is ordinarily just. But it may be injurious; *e.g.*, an insane person may demand a revolver which he has left with you, or a rebel may demand what he intends to use against the people. In such cases it is evil to follow the letter of the

law, and it is right to do what the law intended and the common good demands. This is the virtue of equity.

(1) This is not judging the law instead of judging by it. For he judges the law who says that it is not a good law. But he who says that the law does not apply in the particular case in question, judges of that case.

(2) In doubt concerning the meaning of the law, the interpretation of the law-makers or of the court having jurisdiction must stand. But where the case is plain there is no need of interpreting, but only of applying.

Equity is a part of justice viewed in its widest significance ; but it is a “higher law,” directive of legal justice.

S. Thomas Aquinas regards the Spiritual gift of “godliness,” or “*pietas*,” as perfective of natural religion. As the other Spiritual gifts are habitual dispositions of the soul making us prompt to be moved by the Holy Ghost, so this gift produces a filial disposition towards God. “Ye received the spirit of adoption, whereby we cry, Abba, Father” (Rom. viii. 15). To worship God as Creator and Lord belongs to religion ; but to draw near to God as our Father in heaven is through the inspiring gift of the Holy Ghost.

Nor this alone ; for the same gift prompts to honour all that belongs in special manner to the Father. It honours the saints ; it listens with reverence to the Holy Scriptures ; it succours the needy as children of the same Father.

§ 7. The precepts of justice : the Ten Commandments.

The Decalogue contains the primal principles of law, to which natural reason at once assents as most manifest principles. The first four commandments refer to the acts of religion as the highest part of justice ; the fifth to piety, which stands next to religion ; the others to justice in general as applied to our equals.

(1) The law aims at making all men virtuous, but it begins with manifest obligations of duty.

(2) The judicial precepts of the Old Law are determinations of its moral precepts towards our neighbour, as its ceremonial precepts are of the moral precepts towards God.

(3) The Ten Commandments have charity as their end (1 Tim. i. 5); but they directly command just acts.*

The First and Second Commandments.

Why do they begin the Decalogue? Since the law's aim is to make good men, consider the order of the process. It must begin with the will; but the goodness of that depends upon its end; and God is that ultimate end. And, first of all, impediments must be removed out of the way of true religion, and the chief impediment is the worship of false gods—"Ye cannot serve God and Mammon" (S. Matt. vi. 24). When those impediments are removed by negative precepts, then can come the positive law of religion in the Fourth Commandment.

The Third Commandment.

Not only superstition is an impediment to true religion which must be removed out of the way. Irreligion, defect of reverence by which God is despised, is an impediment. Superstition has substituted some other object in place of God. But irreligion, professing to receive Him, robs Him of His due honour.

(1) Not every assumption of the Holy Name is forbidden,

* Our author, following S. Augustine, as the Roman and Lutheran communions of modern times also do, places three commandments in the first table, uniting into one the first and second, as the English and American Church divide them. Polytheism and idolatry are thus prohibited in one commandment. And there are good ethical reasons for this arrangement according to the author's system. Superstition is prohibited in all its forms in the First, irreligion in all its forms in the Second, Commandment. The reasons for separating polytheism from idolatry need not here be stated. Let it suffice to note that idolatry, not polytheism, is one of the special dangers of a superstitious part of the Christian Church itself. Throughout this manual the commandments are numbered as the Anglican Church numbers them.

but false oaths, whether assertory or promissory, false vows, etc.

(2) Not only swearing falsely is taking God's name in vain, but also swearing truly, without judgment, in levity, etc.

(3) The more common sins are specified ; and vain swearing is more common than blasphemy, though the latter is equally prohibited.

The Fourth Commandment.

The impediments to true religion having been removed, then comes the precept of true religion which worships God. And as inward worship is presented to us in Holy Scripture under corporeal similitudes, so the outward worship of God is presented through some sensible sign of it. Man is led to the inward worship of prayer and devotion by the inward guidance of the Holy Ghost ; but the precept of the law is given concerning outward worship in its sensible sign, a sign of the common benefit of the Creation, which ended on the day of rest.

(1) Literally taken, the precept is partly moral, partly ceremonial. It is moral in requiring that man set aside some part of his life for Divine things. The natural reason which sets aside some time for recreation, etc., also demands some time for spiritual refection. So far the Fourth Commandment is moral.

But in determining a particular time as a sign of the Creation, it is ceremonial. It is ceremonial also in its allegorical signification, pointing to Christ's Sabbath rest in the new tomb. It is ceremonial also in its moral signification of the soul's rest in God. As moral, not as ceremonial, this commandment takes its place in the Decalogue.

(2) Distinguish the end, the having time for Divine service, and the rest from servile work. The service of God was not servile work ; therefore circumcision (S. John vii. 23), and the priests' and Levites' work, on the Sabbath were not prohibited (S. Matt. xii. 5).

But other works are contrary to the observance of the Sabbath inasmuch as they impede our attending to Divine things.

There are also corporal works not pertaining to God's service which are not properly servile, because they are common to all, both servants and masters. Thus every one, servant or not, is bound to provide in necessary things not only for himself but for his neighbour, especially what concerns the support of life or the avoiding of great loss (Deut. xxii. 1 ; S. John vii. 23 ; S. Matt. xii. 2).

(3) The observance of the Lord's Day under the Gospel law takes the place of the Sabbath, not by force of the precept of the Old Law, but by the authority of the Church and Christian custom. The Lord's Day is not figurative like the Sabbath. No such strict prohibition of work, therefore, belongs to it. Cooking food was prohibited ; it is now allowed, etc. And needful dispensation, even in what is prohibited by the Church, is more readily obtained under the Gospel's easy burden.*

The Fifth Commandment.

The end of the Decalogue is love of God and our neighbour. But among neighbours parents hold the highest place. Therefore this commandment heads the second table ; but since parents are the source of our being, it holds close affinity with the first table, and some—*e.g.*, Josephus and Philo—have placed it there.

(1) Parents take the precedence of other relatives and of our country. Nevertheless, in this precept is understood whatever pertains to rendering due honour to others according to their rightful claim.

(2) Reverential honour is due to parents as such in every case ; but there are special duties in special cases, like support in time of need, which are implied in the general law.

* See, further, Supplement, chap. iii. page 511.

The last five commandments.

These pertain to justice in general, which gives all indifferently their due.

(1) Why are they all negative ? Why is there no affirmative precept ? Man is always and universally bound to do no harm to any one ; and so the commandments prohibit it. But positive duties to our neighbours vary with person, time, place, etc. ; therefore they do not appear in these universal laws.

(2) Are there not many other injuries beside homicide, adultery, theft, and false witness ? Why are only these specified ? These are chief in their respective classes, and the others are reducible to these. Thus, all injury to the person of our neighbour is included in homicide, as the chief injury ; wrongful deeds of lust against others, and especially against those connected with us, are included in adultery ; injurious actions towards others' property are embraced in theft ; and, finally, injurious words, detractions, blasphemies, and the like, are prohibited along with false witness.

(3) In the Tenth Commandment, which prohibits concupiscence, are not included the first motions of it, which spring from our fallen, sensuous nature ; but the consent of the will is forbidden, consent whether to the deed or to the pleasure of it.

(4) Concupiscence leading to theft or adultery is expressly prohibited, and not that (wrath, etc.) which leads to homicide, because that in itself does not present itself as a desirable or useful thing, like adultery or theft.*

* See, further, Supplement, chap. iii. page 514.

CHAPTER VI.

COURAGE AND FORTITUDE : THEIR ALLIED VIRTUES, AND THEIR OPPOSING VICES.

(If I were to follow the example of modern ethical writers I should omit almost all which our author finds needful to say of that group of *manly* virtues of which courage and fortitude are chief. Whewell, for example, in his *Elements of Morality*, merely finds a place for the names in his list of private virtues. Effeminacy or sentimentality may admire courage in some military chief. But that courage is an essential virtue in the soldier of the Cross ; that the world is to be defied even unto death ; that hardship and the persecution of calumny and neglect, with attendant poverty and contempt, are the virtues of the saints of God—these are the hard lessons to be learned in the school of our Lord Jesus Christ. He that follows the Divine Master must learn of Him not only His long-suffering, but the steadfast courage with which He went up to Jerusalem, knowing that He was going to His cross. I will abridge our author's discussions, but omit little more than those counsels of perfection which may be found in this part of the *Summa*.—J. J. E.)

§ 1. Courage and fortitude (*fortitudo*).

Are these virtues ?

“Virtue makes him that possesses it good, and renders his work good.” But the good of man is a life according to right reason. Virtue, therefore, is in agreement with reason.

(1) Reason itself is rectified by the intellectual virtues ;
(2) this right reason is applied to human affairs by justice ;
(3) impediments to this rectitude in human relations are removed.

But there are two impediments to right reason's work ; one, when pleasure attracts in an opposite direction, which impediment is removed by temperance and its allied virtues ;

another, when the will is repelled from following right reason by the difficulties which present themselves. To resist these difficulties requires fortitude of mind. Manifestly, then, this is a virtue, inasmuch as it leads one to a life according to reason.

(1) Weakness of body (2 Cor. xii. 9) is courageously borne by a patient soul, and patience is one of the allied virtues, a part of fortitude; while a man's recognizing his own natural weakness pertains to that perfection of the Christian life which is called humility.

(2) The doing courageous acts does not always indicate the virtuous habit. One may encounter difficulties like a courageous man when he does not perceive the greatness of the peril; or when he is confident because he has previously escaped; or when he trusts to his acquired art or skill; or he may be impelled by some passion like anger or sorrow; or he may be in quest of some temporal advantage, honour, pleasure, or lucre; or he may be driven to act courageously through fear of punishment, disgrace, or loss (Nic. Eth. iii. 7, 8).

(3) Some are so physically constituted that they have a natural disposition (physical courage) towards this virtue of the soul. And this is true also of other virtues; *e.g.*, temperance or continence.

All virtues require a fixed purpose; but courage, as a special virtue, signifies firmness in enduring and repelling grave dangers in which it is most difficult to retain that fixed purpose. The special object, then, of this special virtue is grave perils and great labours.

These are the remoter object; the more immediate object is fear and excess of rashness. For fear shrinks from evil which is difficult to resist or overcome, and so withdraws the will from following right reason. But also such difficulties must be judiciously encountered in order that they may be utterly destroyed. Courage must govern not only natural fear but also excessive rashness.

The fear of death.

It is necessary to hold firmly by rational good against every evil whatsoever, because no corporeal good can equal that good ; and courage, therefore, most of all braces the will against the greatest evils, among which none is more terrible than death ; for this strips a man of all the earthly goods which he may desire. The Lord, therefore, in forbidding fear, selected the dread of death, saying, " Be not afraid of them which kill the body, but are not able to kill the soul " (S. Matt. x. 28).

This is not merely the courage of the soldier in battle ; it is the courage of the just judge, or of the priest, or of any private man who does not shrink from peril of death while holding by the right ; as when the priest, the sister, or any Christian man allows no fear of infection to hinder his duty to the sick, or goes on a dangerous journey because some pious work calls thereto.

This is the courage of martyrs who in faith courageously fight a good fight (Heb. xi. 34).

Fortitude in enduring is greater than courage in attacking.

For it is more difficult to repress fears than to govern excessive rashness. The danger itself aids the latter virtue, while it increases the difficulty of the former.

To endure is more difficult than to attack, first, because the attack which calls for your fortitude seems to be made by the stronger, while in attacking with courage it seems to be implied that you are the stronger ; and, again, he who endures with fortitude feels the peril imminent, while he who attacks has it in the future ; and, lastly, fortitude implies protracted effort of soul, while the courageous attack may be a sudden movement, a transient impulse.

This endurance, therefore, has its special beatitude (S. Matt. v. 10).

The object aimed at by the courageous man is not honour, pleasure, or lucre.

His immediate end is to express his virtuous habit in his act; i.e., to do the right thing, the courageous act, as the outward expression of his courage; the ultimate end is beatitudo or God.

He may not find pleasure in his act, though he prefers it to all pains or sorrows. These he may sensibly feel, but his soul is lifted above them.

He has foreseen and prepared himself for the hour of conflict, though it may come suddenly, and its very suddenness prove the strength of his courage.

Well-governed anger, anger subject to his reason and used as his instrument, may sustain him.

Fortitude is a cardinal virtue.

For it has in high degree that needful mark of virtue, firmness in action, and the more so because its object, afflicting evil, has the greatest tendency to make one fall or draw back from following right reason.

Martyrdom.

The firmly standing in truth and righteousness against the attacks of persecutors even unto death, the fortitude which patiently endures pains unjustly inflicted, is the highest act of this virtue (S. Matt. v. 10).

The Faith is often the end of the martyr's testimony, but it is fortitude which strengthens him to bear witness. Charity is the first motive, the commanding virtue, which alone gives the act its worth, though fortitude is the virtue which immediately elicits the act. It is not the mere endurance until death which makes the martyr's action laudable; it is the perfect charity manifested thereby, overcoming the strongest natural passion, the love of life.

Observe, also, that all virtuous acts, as referred to God, are protestations of the faith (S. Jas. ii. 18), and may be causes

of martyrdom. Thus, S. John Baptist was a martyr, though he suffered death for reproving an adulterer. And not only does he who suffers for the faith suffer as a Christian, but he who testifies to the faith by his Christ-like life, imitating Christ in holy deeds and in avoiding sin (Rom. viii. 9).

So, for example, he is a martyr who chooses to suffer rather than to tell a lie.

§ 2. Cowardice and rashness.

Is fear a sin?

We may be speaking of a passion or emotion of the soul : and none of these as such are either good or bad, laudable or blameworthy. But the good in human acts requires a due order, and violation of that order is sin. That due order demands that the passions be governed by right reason ; and reason dictates that some things be shunned and others sought for, and some of these things more than others. When, therefore, the ungoverned soul flees those things which reason commands us to endure while we are aiming at what is more to be sought, the fear is inordinate and sinful. But if the soul dread and shun what ought to be dreaded and shunned, there is in that fear no inordination or sin. It would be simply unnatural not to fear earthquake, fire, or flood ; reason, itself, dictates that these be shunned, and anything else which cannot be resisted, and from enduring which no good result can be expected.

Is fear ever mortal sin?

We have seen that it is sin when it shuns what right reason forbids our shunning. But this inordination may be in the sensuous nature alone, without consent of the will ; and this will be venial sin, or no sin at all.

But sometimes this inordination reaches the will, when with free choice something is shunned contrary to the dictate of right reason. This may be venial, but it may also

be that mortal cowardice of which the Apocalypse speaks (Rev. xxi. 8): "But for the fearful, . . . their part shall be in the lake that burneth with fire and brimstone; which is the second death."

Does fear excuse from sin?

Fear is so far sin as it is against the order of reason. But reason judges that some evils are more to be avoided than others are. Therefore, if any one in shunning the greater evils does not avoid the less, he does not sin. Thus, corporal death is more to be dreaded than the loss of money; and if one through fear of death should promise or give something to bandits, he would be excused from sin; but not so if, without legitimate cause, his cowardice should lead him to pass over the good and bestow gifts on the unworthy.

For if any one, through fear, shunning the evils which are less to be feared according to reason, fall into the evils which are more to be dreaded, he cannot be totally excused from sin, because such fear is inordinate.

Evils of the soul are more to be feared than those of the body, and those of the body more than external evils. Therefore, if any one incur evils of his soul—i.e., sins—in order to avoid bodily evils, as blows, or death itself, or if he endure bodily ills in order to avoid the loss of money, he is not totally excused from sin.

Yet in a certain way his sin is diminished, because what is done through fear is less voluntary; for it imposes a kind of necessity on a man.

"Such actions as these are of a mixed character. One, under the influence of fear, does the action voluntarily, for he moves himself; but, abstractedly, the action is perhaps involuntary, for no person would choose anything of the kind for its own sake; e.g., the throwing goods overboard in a storm. In such acts as these men are sometimes even praised when they undergo anything painful for the sake of great and honourable consequences; but pardon is bestowed

when a man does what he ought not to do, owing to causes which are too strong for human nature, the pressure of which no one could support" (Nic. Eth. iii. 1).

But, to avoid misunderstanding, it should be observed that in the opposite extreme from cowardice, and equally opposed to virtuous fortitude, although the acts may sometimes resemble it, is that senseless *indifference to danger* which does not fear what ought to be feared. "A wise man feareth and departeth from evil; but the fool beareth himself insolently and is confident" (Prov. xiv. 16).

It is natural to love life and all that is ordained for its well being; and, in due mode—*i.e.*, not making these the end, but using them for the ultimate end—it is lawful and right.

Earthly goods are to be despised, and their loss is not to be feared, so far as they impede the love and fear of God; but the case is otherwise so far as they are instruments in God's service.

No one is wholly bereft of this natural self-love. Even the cowardly suicide, out of self-love, seeks to free himself from present distresses. A defect, then, in this natural fear of what ought to be feared, arises either from want of due love for what God has bestowed, or from pride, self-confidence, and contempt of others, or from senseless stupidity of soul (possibly the bravery of the prize-fighter); and either way it is vicious, although possibly due to that invincible ignorance which will excuse it.

Rashness (audacia).

Natural boldness, quick in action, governed by reason which has first taken counsel, based on judicious self-confidence, shows us a passion of the soul in virtuous operation. But the excess of that passion, its emancipation from reason's rule, is a sin opposed to Christian courage or fortitude.

Aristotle shrewdly notices that while the rash wish to

imitate the courageous man, most of them are at once bold and cowardly, for their self-confidence does not bear up under terrible circumstances (Nic. Eth. iii. 7).

What are the virtues allied to courage and fortitude?

We have seen that the acts of these virtues are two-fold ; actively encountering difficulties, and patiently enduring adverse circumstances. Now, for such action four things are requisite : (1) Greatness of soul, a bold confidence ready for the encounter, the virtue of *magnanimity* ; (2) (a special virtue of the rich and powerful), a largeness of action which prevents the falling short in execution of what has been boldly undertaken, the virtue of *magnificence*. The extreme perils which called for courage are not here in question, but the lesser difficulties of noble actions.

(3) Fortitude requires, first, that the soul be not utterly cast down in sorrow through the difficulty of imminent evils, and this is the virtue of *patience* ; and (4) that through the protracted endurance of difficulties the soul be not wearied out and give up its efforts ; this virtue is *perseverance*. "Let us run with patience the race that is set before us ; . . . consider Him that hath endured such gainsaying of sinners, that ye wax not weary, fainting in your souls" (Heb. xii. 2).

§ 3. Magnanimity, and its opposite vices, presumption, ambition, vainglory, pusillanimity.

(There are virtues which are the special glory of the great, the rich, the powerful. And so long as human society lasts, such men must be found in it, even in a democracy like these United States. Men are worthy of honour whose lives are illumined by these virtues ; they are a curse to the land which gives them greatness, power, or wealth, if they are degraded by the opposite vices.

Magnanimity and magnificence are the two virtues of the few. The many can have them only in preparedness of

soul, not in actual exertion. Following Aristotle, our author makes much of these virtues. It does not seem best for me to omit them.—J. J. E.)

Magnanimity

is that greatness of soul which strives to do things worthy of honour, not, however, as esteeming human honour itself as of great price. But, still more, this greatness of soul strives for things worthy of great honour. It is not unduly lifted up at receiving great honours, but rather looks down upon them. It is the worthiness to be honoured which is the aim. And this greatness of soul is a virtue, because it is the rational use of these great human goods.

Magnanimity and humility are not contrary to one another. (How perfectly are they blended in the great apostle, S. Paul!) The magnanimous man thinks highly of the gifts of God which he has received, and aims at great use of them. He says with S. Paul, "I can do all things through Christ strengthening me."

But humility may cause him to think lowly of himself, when he considers his defects.

Similarly, also, the magnanimous man may take a low view of others as they fail of the gifts of God through their own fault, for he does not value others so highly as to do anything unbecoming for the sake of their favour or honour. But in his humility he may honour others, and esteem superiors so far as the gifts of God appear in them. "In his eyes a reprobate is despised; but he honoureth them that fear the Lord" (Ps. xv. 4).

Firm confidence is found in the magnanimous man.

The theological virtue of hope leads him to put his confident trust in God's help. This confidence of the great soul is in himself as uplifted by God. (Note again S. Paul's words quoted above.)

The magnanimous is also secure in soul. As confidence

implies a certain strength of hope, so security implies a perfect freedom and rest from fear.

Wealth is the instrument which the great soul uses for great deeds ; but he does not think it to be a great thing ; therefore he is not lifted up if he have wealth, nor is he greatly cast down at losing it.

Presumption.

I do not now mean by the word that spiritual presumption which is a sin directly against God (page 182), but that sin against natural order which consists in assuming to do what is beyond one's powers. It is not this sin to "forget those things which are behind, stretching forward to the things which are before" (Phil. iii. 13) ; for what is not now possible in actual doing, may be potentially in the soul and may be reached by virtuous progress.

It is not presumptuous to aim at effecting some good work, though it would be so if our confidence did not rest on Divine aid (2 Cor. iii. 5).

Ambition.

This is the inordinate love of honour among men. Remember that honour implies a certain reverence exhibited to any one for a testimony of his superiority or excellence. Now man has not this from himself ; it is the gift of God ; therefore the chief honour is due to Him. Also it is to be remembered that this gift of God is bestowed for the benefit of other men. Thus, then, the love of honour is inordinate, first, when one seeks testimony of an excellence which he does not possess ; next, when he desires honour for himself without referring it to God ; and, lastly, when he makes his glory his end without referring it to others' benefit. Such ambition is always a sin.

Honour is not the reward of virtue as if that reward were itself a virtuous thing which ought to be sought for as an end. The value of the reward lies in what it testifies to on the part of others who have no greater reward to give.

Ambition in its excessive love of honour goes beyond true greatness of soul, as presumption does in undertaking what is beyond its strength.

Vainglory : is it a sin ?

Glory properly signifies the conspicuous manifestation of some one as distinguished for what is honourable among men, whether that be some corporeal or some spiritual good. But, taken more widely, glory consists not merely in the opinion of the world in general, but even of a few, or of a single individual, or even of one's self alone when he considers his own peculiar good as worthy of praise.

But that any one know and approve his own good is not sin. So in 1 Cor. ii. 12, "We received, not the spirit of the world, but the Spirit which is of God ; that we might know the things which are freely given to us by God."

Neither is it sin that any one wishes his good works to be approved of men. "Let your light so shine before men," etc. (S. Matt. v. 16). The desire of glory, therefore, in itself expresses nothing vicious.

The desire of vainglory is another thing. Glory may be vain, (1) when the glory is sought in that which is perishable (Jer. ix. 23) ; (2) when it is sought from the uncertain judgment of man (S. John v. 44) ; (3) when the love of glory is not referred to its due end ; viz., the honour of God or the good of our neighbour.

(1) God seeks His own glory, not for His own sake, but for ours. And in like manner man may seek his own glory for the benefit of others, "that men may see his good works, and glorify his Father which is in heaven."

(2) It might be said that the love of glory excites men to worthy deeds, and that the Holy Scriptures themselves promise glory as the reward of good works (Rom. ii. 10). But glory before God is not vainglory. "He that glorieth, let him glory in the Lord ; for not he that commendeth himself is approved, but whom the Lord commendeth" (2

Cor. x. 18). It is certainly true that some are provoked to virtuous acts from the love of human glory, as they may be from the desire for money or any other earthly good. But that man is not a truly virtuous man who does virtuous acts for the sake of human glory (S. Aug., De Civ. Dei. v. 12).

(3) To seek laudable fame is not sin, provided that it is not sought for on its own account. For it contributes nothing to man's perfection. It may be sought for so far as it is in some way useful; either (1) that God may be glorified among men; or (2) that others may imitate a good example; or (3) that the man himself, knowing by the testimony of others the good that is in him, may be zealous to persevere in it and go on to better things. So it is laudable to have a care for a good name and to provide things honourable in the sight of God and man. This is not vainly delighting in the praise of men (S. John xii. 43).

True magnanimity uses honour and glory in quite another fashion. Honour, power, riches are little things in the sight of it. It cares more to be than to seem, more for truth than for opinion. A small thing with it is the praise of men.

Vainglory, on the other hand, is contentious for small things because it esteems them to be of great consequence.

Is vainglory a mortal sin?

I answer that the sin of vainglory considered in itself does not seem to be contrary to charity so far as the love of our neighbour is concerned. But it may be contrary to the love of God in two ways. First, one may glory falsely. "What hast thou that thou didst not receive? But if thou didst receive it, why dost thou glory as if thou hadst not received it?" (1 Cor. iv. 7). Or one may set the earthly good in which he glories above God. "Let not the wise man glory in his wisdom, neither let the mighty man glory in his might; let not the rich man glory in his riches; but let him that glorieth, glory in this that he knoweth Me"

(Jer. ix. 23). Or one may prefer the testimony of men to the testimony of God, as the Pharisees did (S. John xii. 43).

These regard the object of the vainglory.

But, again, on the part of the one who glories vainly, he may refer his intention to glory as the ultimate end, doing even virtuous acts for that, and in order to obtain it not avoiding to do what is against God (S. John v. 44).

But if the love of human glory, although it be vain, be not repugnant to charity in either of these two ways, it may be venial sin.

But the Lord said (S. Matt. vi. 1), "Take heed that ye do not your righteousness before men, to be seen of them, else ye have no reward with your Father which is in heaven;" and nothing excludes from the eternal reward except mortal sin. Yes; a virtuous act has no merit as regards eternal life if it be done for vainglory, even if that vainglory be not mortal sin; for no one by sinning is rendered fit for eternal life. But when one absolutely loses the eternal reward on account of vainglory, and not only as regards a single action, then it is mortal sin.

Remember, however, that vainglory is in the highest degree dangerous and injurious, not only on account of its gravity, but also because it is a preparation for grave sins, rendering a man presumptuous and self-confident; and so, little by little, he loses the inward gifts of God.

Is vainglory a capital vice?

Some place pride among the capital sins, and these persons omit vainglory from the list. But pride may be called the queen of all vices, and then vainglory, which immediately springs from it, must be regarded as a capital vice; for from the inordinate desire of glory among men arise a numerous throng of vices.

Observe that it is not necessary that a capital vice should be a mortal sin; for this can arise from venial transgression, inasmuch as the latter prepares the way for the former.

What are the children of vainglory? Those vices which are naturally ordained for its end, which end is the manifestation of one's own superiority. (1) A man may aim at this directly in his words; this is vain boasting; or (2) he may aim at it in his deeds, which, if they are true and greatly admired, may produce the sin of ostentation (or *presumptio novitatum*); (3) the deeds may be a false manifestation, and so the third child of vainglory is hypocrisy; (4) one may indirectly try to show his superiority in mind by his unwillingness to receive a better judgment, which is the sin of obstinacy; or (5) his will may be in view when he will not give it up for the sake of harmony with others, and this child is discord; or (6) the superiority may be implied in speech, when one clamorously disputes with others; the sixth child of vainglory is contention; and (7) lastly, vainglory may produce an unwillingness to carry out a superior's command; this child is called disobedience.

Pusillanimity.

Everything which is contrary to the law of nature is sin. But as through presumption one exceeds the proportion of his powers, striving after greater things than he has capacity for, so the pusillanimous, in his seeming humility, which is not humility at all, refuses to aim at what is commensurate with his powers. This is unnatural, and a sin like presumption. Accordingly, in the Gospel the servant who buried in the earth the money which he had received from his master, out of pusillanimous fear shirking his responsibility for it, was punished at his master's return. This vice may arise even from pride, when one rests on his own judgment of what he is fit for or capable of. Contrast with this self-willed pusillanimity the true humility of Moses (Ex. iii.), and Jeremiah (Jer. i.). Divinely called to holy work, they considered the insufficiency of their human weakness, and so held back. But pertinacious refusal would have been pusillanimous pride.

- § 4. Magnificence, and its opposing vices, meanness and wasteful extravagance.

(Following the Nicomachean Ethics, our author gives a special place to the virtues and the vices of the rich. I give only a brief outline of his thought.—J. J. E.)

Magnificence

aims to produce great works at large expense for the Church, for the commonwealth, for charitable purposes (as hospitals, orphanages, etc.). The magnificent man does not chiefly aim at great expense in personal outlay; not that he does not seek his own good, but because that is something small in comparison, as his magnanimous spirit views it. But when some great occasion or permanent result is in question, as a wedding or a suitable residence, he may show his magnificence in a more personal way.

He is liberal, though every liberal man is not magnificent, because he may not have the means for being so. He is such, however, in his habit of mind.

Magnificence is a special virtue, a species of magnanimity, its special object being what is great in size, value, dignity. Its great works are for great ends; first, of course, the honour of God; then, the good of man. Such great works imply large outlays and oppose the inordinate love of money.

Like fortitude, magnificence overcomes difficulties, not those of personal perils but those of large expenditure. But it is not the great expense which the virtue aims at, it is the greatness of the work.

Meanness and extravagance are the opposite vices (the special vices of the rich). The mean rich man, with his little soul, aims at mean expense, and, consequently, at small results. His sin consists in withholding what is rationally due to the greatness of the work presented to him.

The vice at the opposite extreme consists in senseless extravagance out of all proportion to the importance of the

work in hand, out of ostentation and vainglory, or some other sinful motive.

§ 5. Patience and perseverance, with the opposing vices.

Is patience a virtue?

Moral virtues are ordained for good, preserving the good of reason against the assaults of the passions. But sorrow has its place among those passions. "The sorrow of the world worketh death" (2 Cor. vii. 10). It is needful, then, to have some virtue through which the good of reason may be preserved against sorrow, lest reason give up to it. This virtue is patience. By it we bear evil with equanimity; *i.e.*, with no disturbance from sorrow which might make us abandon the good through which we may arrive at still better things (S. Aug., *De Patientia*, c. 2). The patient man will rather bear evil in not committing it than commit it by not bearing it.

Can patience be had without the grace of God?

"Desires have power to produce toleration of labours and pains; and no one voluntarily bears what produces suffering except for that which gives him pleasure" (S. Aug., *De Patientia*, c. 4). Therefore, that good on account of which one is willing to suffer evils is more willed and loved than the good whose privation produces the pain which we patiently endure. But that any one prefer the good of grace to all natural goods from whose loss pain can be caused, is due to charity which loves God above all things. Hence, it is manifest that patience, as a virtue, is caused by charity, which S. Paul says (1 Cor. xiii. 4) "suffereth long." But it is manifest that charity cannot be had except through grace (Rom. v. 5); therefore, patience cannot be had without the help of grace.

(1) But some, through their own native strength, patiently endure ills on account of some evil without the aid

of grace ; “men endure many labours and pains for what they viciously love” (S. Ang., *loc. cit.*). But it is much more rational and natural to bear evils on account of the good, which is being truly patient. Therefore it seems that grace is not needed. I answer that rational inclination would prevail in man if his nature were uncorrupted. But in this corrupted nature of ours the inclination of concupiscence prevails. And so man is more prone to endure ills for the goods in which concupiscence delights in the present hour than to bear ills for future goods which are rationally sought for. Yet this latter is true patience.

(2) You may say again that some who are not in a state of grace abhor the evils of vices more than corporeal evils. Some noble heathen have endured the greatest tortures rather than to betray their country or commit some other disgraceful deed. But this is being truly patient. Yes ; but the good of political virtue is commensurate with human nature, and our will can aim at it without the help of justifying grace, though not without God’s assistance. But the good of grace is supernatural, and man cannot aim at that by virtue of his own nature.

(3) You may argue, again, that some for the sake of recovering bodily health willingly suffer gravest pains ; but that the salvation of the soul is not less desirable than bodily health ; therefore for it, also, one can patiently bear many evils without the aid of Divine grace. But the toleration of evils which one sustains for the sake of bodily health comes from the natural love of one’s own body. The patience which proceeds from supernatural love is very different.

Patience is a virtue annexed to fortitude ; for both endure with equanimity the evils which come from without. But it is quite consistent with both these virtues that, when there is need, he be attacked who produces these evils. The patient man may be also courageous. “To be patient under one’s own injuries is laudable, but to endure injuries

directed against God is impious." "The precepts of patience are not contrary to the welfare of the commonwealth for whose preservation conflict against its enemies is carried on" (S. Aug., Ep. ad Marcell., 138).

Long-suffering (longanimitas).

This I define as the virtue of one who aims at what is long deferred. Like magnanimity, it is based on hope of good. But like patience, it endures present evils in view of future good, only the delay makes that endurance still more difficult. Also, "Hope deferred maketh the heart sick" (Prov. xiii. 12); *i.e.*, it produces sorrow which requires patience to sustain and constancy to continue the execution of good work. Long-suffering and constancy, therefore, are included in patience.

Those who err from infirmity rather than from fixed purpose are endured with long-suffering; this only is unendurable, that they long persevere in evil; but those who with pertinacious mind exult in their faults, sinning through pride, may be endured with patience.

Is perseverance a special virtue?

Virtuous work has goodness and difficulty not only from the nature of the act itself, but also from the length of time required. Therefore, to persist long in any good until it reaches its consummation pertains to a special virtue.

(1) S. Augustine says (De Persever. c. i.), "No one can be said to have perseverance while he lives; he must persevere until death." But we must notice that the same word is used for a virtue and for its act. But one may have a habit of virtue who is not exercising its act. And sometimes one who has the habit begins indeed its exercise, but does not complete it. So a builder may begin a house and leave it unfinished. The word perseverance, then, is sometimes used for the habit by which one chooses to persevere,

and sometimes for the act by which one actually perseveres. And sometimes one who has the habit chooses indeed to persevere and begins to act accordingly, enduring for a time, but does not complete the act, because he does not persevere until the end. But there are two ends, the end of the work, and the end of life. Perseverance *per se* requires that one continue to the end of his virtuous work, as the soldier perseveres to the end of the conflict, and the magnificent to the end of his great work.

But there are certain virtues whose acts ought to endure throughout our whole life; such are faith, hope, and charity, which regard the ultimate end of our whole human life. In these chief virtues the act of perseverance is not consummated until the end of life. In this view S. Augustine uses the word for the consummated act.

(2) But is not immovable persistence required for every virtue? Yes; for that is included in the definition of virtue; it is a "quality with difficulty changed." But perseverance aims at this as its special end, making this virtue a special one.

It is a secondary virtue annexed to fortitude, sustaining the difficulty which comes from prolonged good work, and governing the passions of fear, of fatigue, or of failure through prolonged effort.

Constancy

has the same end; but while the difficulty which perseverance overcomes arises from the mere length of the act, constancy persists in good against other outward impediments.

Perseverance requires the aid of Divine grace.

The virtuous habit needs the gift of habitual grace, as the other infused virtues do. But the actual perseverance enduring until death needs also the gratuitous aid of God, preserving man in good until the end of life. For free-will

in itself is changeable, and this changeableness is not removed from it by habitual grace in this present life. And thus, though free-will may choose the good, even when renewed by grace it has not power to remain immovable in good. Choice may be in our power, but not execution of what we choose.

The virtue of perseverance inclines to steadfastness ; but, like any other habit which one uses when he wills, it is not necessary that he who has the habit use it immovably until death. (This requires sustaining grace.)

But some persevere in sinful works, which are sometimes more difficult than virtuous action. This is true ; but man by himself can fall into sin ; but he cannot rise again without the aid of grace. The very falling into sin, accordingly, makes him persevere in it, unless he be liberated by the grace of God. But his doing some good thing does not make him persevere in good, because he is still able to sin ; we need to be “ furthered by God’s continual help.”

Weakness of spirit (mollities).

This is feebly withdrawing from good on account of its difficulties which are found intolerable. But a thing is not judged weak which yields to great and overpowering force ; nor is that man reputed weak who yields in like manner. What I am now speaking of is not the yielding to fear of perils, nor even the giving up to violent desires ; for, properly speaking, he is weak of spirit who gives up the good on account of regret for absent pleasures. (This is a kind of effeminacy or self-indulgence. Nic. Eth. vii. 7.)

It is due to two causes. One is habit ; for when any one is accustomed to self-indulgence in pleasures, it is harder to bear their absence. Another cause is natural constitution, for some are born with an effeminate disposition.

The pleasure-loving cannot endure the labours which impede their enjoyment. This is another form of the same

sin ; or, again, excessive devotion to recreations, shrinking from hard works and laborious days.

The opposite vice is obstinacy or pertinacity, out of vainglory persisting in one's own opinion beyond rational measure ; or inordinately persisting in one course of conduct through all difficulties (proud of being "consistent").

CHAPTER VII.

TEMPERANCE : ITS ALLIED VIRTUES AND THEIR OPPOSITE VICES.

§ 1. Temperance.

Is temperance a virtue ?

Human virtue is that which inclines us to what is according to reason. Now temperance means a rational government of certain desires and pleasures ; it is plainly, therefore, a virtue.

(1) It might be objected, indeed, that no virtue is opposed to natural inclination, because there is in man a natural aptitude for virtue, while temperance holds one back from natural pleasures.

But nature inclines to that which is suitable for each creature ; and man, accordingly, desires that gratification which is suitable to his nature. But man as man is rational, and consequently the pleasures which are suited to his nature are those which are according to reason. Temperance does not withhold him from these, and so it does not oppose the inclination of human nature, but rather harmonizes with it. What it does oppose is the inclination of bestial nature which is not subject to reason.

(2) Again, it has been said that all the virtues are connected with one another ; but some seem to be temperate who lack other virtues ; they may be miserly, or cowardly, etc.

But the perfect virtue of temperance cannot exist without prudence, the common ground of all the moral virtues, which every vicious man lacks. Those, then, who have not the other virtues, but are slaves to their opposite vices, have

not the virtue of temperance, even if they lead temperate lives out of natural disposition or acquired habit. Such imperfect virtue lacks that rational ground which constitutes the perfect virtue.

(3) To every virtue corresponds some spiritual gift ; what gift corresponds to temperance, if it be a virtue ? I answer, godly fear, by which one is restrained from sinful carnal pleasures. " My flesh trembleth for fear of Thee " (Ps. cxix. 120).

Is temperance a special virtue ?

The word may be used for that general moderation which right reason imposes on all human operations and passions, which is common to all moral virtues, drawing away from all those things which allure appetite contrary to reason. But in a more limited sense we now employ the word for a special virtue which has its special object ; viz., those desires and pleasures which most allure man from the right path, the rule of reason, and the Divine law. The beauty of virtue is especially attributed to temperance for two reasons ; first, because it consists in a well-governed and suitable proportion of things which is the very idea of beauty ; but also because those things which temperance restrains in man are the lowest part of his nature, the bestial part. By these a man is most debased, and temperance is comely and honourable in repelling that baseness.

Temperance is concerned with sensuous concupiscences, their attendant pleasures, and the sorrow for the absence of these.

We have already seen that moral virtues defend reason against repugnant passions. But the motion of the passions is two-fold ; one, in seeking sensible and corporeal goods ; the other, in avoiding sensible and corporeal evils. The first is chiefly repugnant to reason through immoderation ; for sensible and corporeal goods in themselves are not repugnant

to reason, but rather serve it as instruments which reason uses to attain its proper end ; but they are repugnant when sense-appetite aims at them in an irrational manner. Here, then, is the office of moral virtues ; *sc.*, to govern those passions which seek after the good. This is the field of temperance, including the sorrows which arise from the absence of those pleasures.

But if we consider the desires and pleasures of the senses, we find a wide difference among them. Some belong to the means for preserving the life of the individual or that of the race. These concern the senses of touch and taste. The desires and the pleasures of these senses are the most vehement, and temperance is the virtue which governs them. Sight, hearing, even smell, belong to a higher sphere, and serve nobler purposes. In the brute, indeed, these higher senses are the mere auxiliaries of the touch and taste. And so far temperance in man may, consequently, direct them. But their proper pleasures are not connected with the preservation of human life, and do not fall under the control of temperance in its restricted sense.

Spiritual pleasures, also, are in their own nature greater than corporeal pleasures ; but not being perceived by sense, they do not so vehemently affect sense-appetite, and do not, as spiritual pleasures, need to be restrained in the same way. Restraint is required only when they hinder another higher and more obligatory pleasure.

The rule of temperance is based on the necessities of this present life.

Moral virtue is good in its following the order of reason. But this order of reason chiefly consists in its ordering for the end ; and the end itself is the rule for the means. Now all the pleasures of touch and taste have for their end some necessity of life. And, therefore, temperance takes this necessity as the rule of the pleasures which it uses, employing those pleasures as the needs of life require.

(1) But it may be objected that if corporeal necessity were the rule of temperance, whoever should gratify himself with any pleasure beyond the absolute necessity of nature, which is contented with very little, would exceed the rule, and sin.

But necessity must be understood in its wider signification. That is absolutely necessary without which a thing cannot in any way exist ; as food is necessary for an animal. But that also is necessary without which a thing cannot suitably exist. And temperance has in view this kind of necessity as well as the first. "The temperate man feels moderate and proper desire for all those pleasant things which conduce to health or a sound habit of body" (Nic. Eth. iii. 11).

But of those things which are not necessary in this second way some are impediments to health or good condition, and these the temperate uses in no manner, for that would be a sin against temperance. But there are others which are not such impediments, and these he uses moderately according to time and place, and conformity to those with whom he associates.

(2) But it might be objected again that if bodily needs were the rule of temperance, whoever should employ any pleasure on account of bodily need, say, for the sake of health, would be free from sin, for no one attaining to the rule is sinning ; but that this is manifestly untrue. But it has been said that temperance views necessity according to what is convenient for life. Now this depends not only on what is fitting for the body, but also on fitness according to station and means of living and other outward things, and still more it depends on what is honourably fitting. "The temperate man feels the same desire for those other pleasures which do not hinder health, etc., which are not contrary to the honourable nor beyond his means" (Nic. Eth., *loc. cit.*).

Why is temperance called a cardinal virtue ?

The moderation which is requisite in every virtue is espe-

cially laudable in the pleasures of touch and taste, both because such pleasures are more natural to us and therefore more difficult to restrain, and because their objects are more necessary in this present life. This fact entitles temperance to a place among the principal virtues. But in the scale of virtues it does not rank as high as justice or fortitude, because it is primarily self-regarding, and virtues are higher which have a higher object than our individual self.

Insensibility, or false asceticism (insensibilitas).

Everything which is contrary to natural order is vicious. But nature has attached pleasure to those operations which are necessary for human life (or its well-being). Therefore natural order requires that man use those pleasures so far as is necessary for human conservation, whether of the individual or of the species. If any one, therefore, should so shun pleasure as to avoid those things which are necessary for nature's preservation, he would sin by his repugnance to the natural order.

And yet from such pleasures it is sometimes laudable or even necessary to abstain in order to attain some end. Thus, for the sake of bodily health some abstain from some pleasures of eating and drinking, or from venereal pleasures; and, again, on account of some work undertaken, as athletes and soldiers. In like manner, penitents for their souls' health use as a kind of diet abstinence from pleasures; and men who wish to have time for contemplation and for Divine things must withdraw from carnal desires. None of these are involved in the vice of insensibility or false asceticism, because they follow right reason.

So Daniel in the heathen court abstained from pleasures of sense, not abhorring them on their own account as evil in themselves, but for a laudable end.

Because man cannot use his reason without employing his sensuous faculties, which require a bodily organ, man must support his body in order to use his reason. But the body

is sustained through pleasurable operations ; and, therefore, the good of reason cannot exist in man if he abstain from all pleasures. This necessity is more or less according as the act of reason more or less requires the corporeal virtue. Therefore men who have undertaken spiritual contemplation and the labour of transmitting spiritual good to other men may laudably abstain from many pleasures from which those whose office is different laudably do not abstain.

*Intemperance.**

Why does Aristotle (Nic. Eth. iii. 12) call it a "childish" vice ? He does not mean that children are peculiarly subject to intemperance, but he uses figurative language. Intemperance is the sin of excessive concupiscence, which is like a child in three respects : (1) Like a child, concupiscence seeks what is base. Beautiful and goodly is what is ordained according to reason ; but, like the child, concupiscence does not listen to reason. (2) If the child be left to his own will, he grows self-willed ; so concupiscence, if satisfied increases in strength. "While lust is served, habit is formed ; and while habit is not resisted, necessity is produced" (S. Aug., Confess. viii. 5). (3) The child's amendment is brought about by coercion. "Withhold not correction from the child. . . . Thou shalt beat him with the rod, and shalt deliver his soul from hell" (Prov. xxiii. 13). So by resisting concupiscence we bring it down to due limits.

It may be said that children have only natural concupiscences, in which (if Aristotle is correct, iii. 11) comparatively "few err, and only in excess." But "natural" here means what nature requires for its preservation, in the desire of which there is no sin except in excess. But other things in which sin more abounds are incitements of concupiscence which men have devised, as delicately prepared foods and the ornaments of the female sex.

* Here used, as temperance is above, in its widest signification.

Intemperance is a graver sin than cowardice.

For the latter is impelled by the necessity of preserving life, while the former is concerned with pleasures not so necessary, and most largely with those which are invented and not strictly natural.

And, again, grave fears and sorrows stupefy the mind, which pleasure does not. Also, what is done through fear is not absolutely voluntary, having an exterior impulse ; while what is done for the sake of pleasure is simply voluntary. The individual pleasurable thing is chosen by the intemperate, although he would not choose intemperance in general.

And, again, it is easier to employ remedies against intemperance than against cowardice ; for the pleasures with which the former is concerned are life-long, and the temperate man can exert himself in the practice of his virtue at all seasons, which is not true of the other.

The sin of intemperance is most disgraceful (exprobabile).

Reproach is opposed to honour and glory. Honour is due to excellence and reproach to intemperance, because it is most repugnant to the dignity of man, tending to bring him down to the level of the brutes who share the same pleasures.

And, again, it is repugnant to that glory and beauty of the rational man which comes from his reason, and which intemperate pleasures obscure and defile.

(1) There are graver sins than intemperance, but carnal vices are of greater infamy because of their baseness.

(2) Sins of intemperance are the most common, since they are concerned with the most universal desires and uses of human life. And so men may be less ashamed of them (e.g., than of cowardice) ; but though custom may diminish the baseness and the infamy in the opinion of men, it does not change the nature of these vices.

(3) There are vices even more worthy of reproach than intemperance, which are most unnatural, and therefore most disgraceful.

How is temperance to be divided?

(1) There are two conditions which must concur in order that the act of virtue be completely exercised; these conditions are: (a) *the sense of shame (verecundia)*, through which one shuns the baseness which is contrary to temperance; and (b) *the sense of the honourable, the becoming*, through which one loves the beauty of temperance (*partes integrales*).

(2) The species of temperance are: (a) *abstinence* respecting food, and (b) *sobriety* respecting drink. Respecting the pleasure of procreation there is (c) *chastity*; and as regards attendant pleasures, such as kisses, touches, and embraces, there is (d) *modesty*.

(3) There are secondary virtues which observe a similar limit with temperance in subordinate matter, where the limitation is not so difficult (*partes potentiales*). Like temperance, they put a bridle on appetite, first in the inward motions of the soul, next in the outward movements and actions of the body, and, lastly, in outward things.

As regards the first, the will is apt to be excited by the impulse of passion, and (e) *continence, self-restraint (continentia)*, restrains this impulse; and though one suffer those immoderate concupiscences, still the will is not overcome by them.

Again, another inward motion is that of hope and rashness, which is governed or restrained by (f) *humility*. And the third motion is that of anger tending to vengeance, which is governed by (g) *mildness or clemency (mansuetudo)*.

As regards the second, (h) a modest and decent demeanour governs and restrains the corporeal movements and actions, discerning what is to be done and what is to be left undone,

how it is to be done, and how intercourse with others is to be conducted.

And as regards the third, (*i*) a judicious *economy* (*parcitas*) checks superfluities, and (*k*) *simplicity of living* (*simplicitas*) avoids too great delicacy of epicureanism and fastidiousness.

§ 2. The sense of shame (*verecundia*).

It is a fear of what is base,

the object of reproach. But he who is perfect according to virtuous habit does not view any such thing as possible and difficult to avoid; neither does he actually do any base thing from which he may dread reproach. Hence, properly speaking, the sense of shame is not a virtue. But it is a laudable passion, and the term virtue is popularly extended to everything which is good and laudable in human acts or passions.

The habits of virtue are "accompanied by deliberate preference" (Nic. Eth. ii. 6); but the sense of shame is not a habit, but a passion or emotion; and its action is not from choice but from emotional impulse. It is not rational; it is, perhaps, seen in some of the higher brutes.

It has more to do with temperance than with any other cardinal virtue, not as a passion, for it is a species of fear, but as its inciting cause is what is base (which temperance restrains).

But if the sense of shame implies a laudable act, do not many such acts form a virtuous habit? Yes; of an acquired virtue through which shameful acts are avoided, but not a habit of feeling shame. From that habit of acquired virtue one is in such condition that he would be more ashamed if there were cause for shame (which there is not).

The object of shame is blame or reproach.

We have seen that shame is the fear of what is base. But there is a two-fold turpitude; one, of vice, the deformity of

a voluntary act. This is not the direct object of shame, for fear is of an evil difficult to avoid, and what is voluntary does not come under this description.

But there is another turpitude, as it were, a penal turpitude, consisting in the blame of others, as glory consists in their honouring us. This blame is viewed as evil difficult to avoid, and therefore shame or the fear of turpitude primarily regards blame or reproach. And as blame is properly due to vice, consequently and indirectly shame applies to vicious turpitude.

Hence, "men are less ashamed of defects which do not come from their own fault."

But shame may have two effects ; either one may cease to do vicious acts on account of the fear of blame, or in the vicious things which he does he may avoid public notice.

(1) But sometimes those who are doing nothing base suffer disgrace. "For Thy sake have I suffered reproof ; shame hath covered my face" (Ps. lxxix. 7). I answer that shame properly regards disgrace according as it is due to fault, to voluntary defect. But the reproaches which are laid upon one on account of virtue are despised by the virtuous man. So the apostles "rejoiced that they were counted worthy to suffer dishonour for the Name" (Acts v. 41).

But from imperfection of virtue it may happen that one is ashamed of reproaches which he receives on account of virtue ; whereas, growing in virtue, he learns to condemn outward goods and evils. So the Lord said to the righteous, "Fear ye not the reproach of man, neither be ye dismayed at their revilings" (Isa. li. 7 ; 2 Tim. i. 8).

(2) But men are ashamed also of what is no sin. I answer that as honour, although it is not truly due to anything except virtue, yet is bestowed on any superiority, so, also, reproach, although it is properly due to fault only, yet, in men's opinion, is applied to any defect. And, therefore, men are ashamed of poverty, or low birth, or servitude, etc.

(3) But sometimes men are ashamed of doing virtuous acts (S. Luke ix. 26). No; not considered in themselves, but *per accidens*, owing to men's opinion of them, or to the wish to avoid appearance of presumption or hypocrisy.

(4) But if shame were properly of base acts, a man should be more ashamed of the baser acts, which is not the case. Men may be ashamed of light offences and glory in the gravest (Ps. lii. 1). But sometimes it happens that graver sins are the less shameful, either because there is less turpitude in them, as spiritual sins are more grave and less shameful than carnal sins; or because there is more temporal good connected with them. So a man is more ashamed of cowardice than of rashness, and more ashamed of theft than of robbery (in Italy, perhaps; hardly in the United States, where defalcations may be condoned so readily), on account of some appearance of power in them.

Can shame be found even in virtuous men?

That any evil be not feared may happen from two causes, either because it is not esteemed as evil, or because one does not think it possible that it should reach himself, or that it is difficult to avoid. So shame may be absent from any one for two reasons; he may not regard his vices as things to blush at, and, in this way, men hardened in sin have no shame—they rather glory in their sins. But, again, one may not apprehend turpitude as possible for himself, or as not easy to avoid; and in this way the aged and the virtuous are not shamefaced. But yet they are so disposed that if there should be in them anything disgraceful they would be ashamed of it.

Shame, then, is specially found in those who occupy a sort of middle position, who have some love of good, but are not secure against vice.

(1) But are not virtuous men ashamed of the appearance, at least, of evils which are not truly in them? The virtu-

ous man avoids the appearance of evil, for to do so is part of God's law (1 Thess. v. 22).

(2) But shame is the fear of disgrace, and virtuous men may be dishonoured by being falsely defamed, or unworthily reproached; therefore they may feel shame at such things. Yes; the emotion of shame may, like that of any other passion, anticipate reason; but that gets its supremacy, and the virtuous man contemns infamies and reproaches which he does not deserve, having the "testimony of a good conscience."

§ 3. Abstinence, fasting.

Is abstinence a virtue?

The word taken simply may mean deprivation of food, and so it expresses neither virtue nor a virtuous act, but something morally indifferent. But, again, it may mean such a voluntary deprivation regulated by reason for good ends; e.g., conformity to those with whom one lives, or the demands of health.

(1) "The kingdom of God," indeed, "is not meat and drink" (Rom. xiv. 17). "Meat will not commend us to God; neither, if we eat not, are we the worse; nor if we eat, are we the better" (1 Cor. viii. 8).

But either of these, if it rationally spring from faith and God's love, does pertain to the kingdom of God.

(2) But is not this rather a matter of dietetic science than of moral virtue? Yes; if you think simply of the bodily health. But if you consider the inward affections in relation to a rational good, the governing of the appetite for food pertains to the virtue of abstinence; and S. Augustine well says (Quæst. Evang. ii. 11), "Virtue is not concerned with what one eats, or how much he eats, provided that he does so in conformity with those with whom he associates, and the demands of his own health. But virtue is concerned with the readiness and serenity of mind with which he goes without those things, whenever it is fitting or needful to do so."

(3) But it is said that impatience and pride are fostered by abstinence; can one virtue injure another? No; those vicious acts come from irrational abstinence. Right reason makes one abstain as he ought; *sc.*, with cheerfulness of spirit and for good reason, *sc.*, for God's glory, not for one's own.

Abstinence is a special virtue, because the special pleasures of the table naturally tend to withdraw man from rational good, both because those pleasures are great and because they are connected with the most pressing needs of life.

Is fasting an act of virtue?

An act is virtuous which is ordained through reason to some honourable good. Such the act of fasting may be.

(1) It is done to repress fleshly concupiscences (2 Cor. vi. 5); (2) it is done that the mind may be more freely elevated to contemplate the most exalted things (Dan. x. 3); (3) it is done as a "satisfaction" for sins, as the Lord commands, saying (Joel ii. 12), "Turn ye unto Me with all your heart, and with fasting," etc. "Fasting purifies the soul, uplifts the mind, subjects the flesh to the spirit, makes the heart contrite and humble, disperses the clouds of concupiscence, extinguishes the fires of lusts, kindles the true light of chastity" (S. Aug., Sermon. De Orat. et Jejun., 230 De Temp.).

(1) If fasting is a virtuous act, why is it not always acceptable with God? (Isa. lviii. 3). Because an act which in its kind is virtuous may become vicious from some of its attendant circumstances. So it is found in Isaiah's prophecy just referred to: "Behold, in the day of your fast ye find your own pleasure, . . . ye fast for strife and contention," etc.

(2) This is not a question of quantity of food, as such, but of right reason. And reason judges that, for special cause, one may take less food than he ordinarily does; *e.g.*, to avoid sickness, to accomplish more expeditiously some

undertaking, and much rather to avoid spiritual evils and to attain spiritual goods.

But right reason does not subtract so much food that nature cannot be preserved. "It makes no difference whether you destroy yourself in a long or in a short time, because he offers a sacrifice from robbery who immoderately afflicts his body by too great lack of food or sleep" (S. Jerome). In like manner, right reason does not subtract so much food that a man is rendered incapable of doing the work set before him in life. S. Jerome, therefore, says again, "A rational man loses worthiness (*dignitas*) who prefers fasting to charity, or vigils to the integrity of his senses."

If, then, we use the word "abstinence" for the virtue under discussion, fasting is the act of that virtue. "Fasting from sin" is a figure of speech, meaning the abstaining from all injurious things, among which sins are included.

Is fasting commanded? Is it an obligation?

As the state has power to lay down statutes determinative of the law of nature in what concerns the common earthly utility, so the Church has power to lay down laws which pertain to the common benefit of the faithful in spiritual goods.

Now, fasting is useful to restrain and remove sin, and to raise the mind to spiritual things. And each one is bound by natural reason to use fasting so far as it is needful to him for these purposes. Fasting, in general, then, falls under the precepts of the law of nature. But the determination of the time and mode of fasting according to what is convenient and useful for Christian people falls under the precepts of positive law laid down by the Church.

(1) But if fasting is obligatory according to law, must it not everywhere and always be equally observed by all? Understand that fasting, in itself, is not desirable but it is medicinal or penal; it is rendered eligible by its being

useful to some other end. Therefore, absolutely considered, it is not obligatory, but it is so for each one who needs such a remedy. Men in general do need it—"In many things we all stumble (S. Jas. iii. 2); and "the flesh lusteth against the spirit" (Gal. v. 17)—and, therefore, it was fitting that the Church decree some fasts to be observed by all, not as commanding that which is superfluous, but as determining in a special way what is necessary in general.

(2) But whoever transgresses against a commandment is guilty of mortal sin; if, then, fasting be commanded, do not all who break a fast incur the loss of salvation? Thus a great snare seems to be set for human feet. I answer that precepts set forth as general statutes do not bind all in the same manner, but as the end requires which the law-giver has in mind. If any one, in breaking the statute, contemn his authority, or hinder the end which that law-giver has in view, he sins mortally. But if from some reasonable cause he does not observe the statute, especially when the law-giver, if he were present, would not enforce it, such transgression is not mortal sin. Not all who do not keep the fasts of the Church sin mortally. Such persons may even, in good faith, think that they have sufficient cause for not observing the fast when such is not the case. Then there is no mortal sin, no intention of breaking the law of the Church.

(3) Church laws respecting fasting are not contrary to Christian liberty but rather in its favour by impeding the servitude of sin (Gal. v. 13).

Are all, then, bound to keep the fasts of the Church?

General laws are propounded according to the needs of the people as a whole. But if any special case arise which is repugnant to the observance of the law, the legislator does not intend to lay obligation in that case.

Discretion, however, is to be used. For if the case be perfectly evident, a man may lawfully at once set aside the

observance of the statute in his case, especially if supported by custom, or if it be not possible to have ready recourse to authority in the question.

But if the case be doubtful he ought to refer it to a superior who has power of dispensation. This general principle applies to fasts instituted by the Church, to which all are obliged unless some special impediment exist.

(1) But the precepts of the Church are of obligation like those of God ; for the Gospel says, "He that heareth you heareth Me" (S. Luke x. 16), and all are bound to keep the commands of God ; therefore, all are bound to observe the fasts instituted by the Church. I reply that the commandments of God are those of natural law which, in themselves, are necessary to salvation. But positive Church laws are of things not *per se* necessary to salvation, but only as ordained by the Church. And, therefore, there can be impediments—weakness, necessity, greater good incompatible with fasting—on account of which some persons are excused from fasting.

(2) What shall we say of children ? In them, most of all (we may add, in the aged, also), there is evidently good reason for not fasting. Their feebleness makes them need to take food more frequently than older persons, though little at a time. Besides, they are growing, and need more food on that account. As long, then, as they are growing, they are not bound to observe the Church fasts. Still, it is convenient that even at that age they be exercised in self-denial suited to their tender years, which can be done without injury to health, if not rather beneficially.

(3) What shall we say of labourers and travellers ? Are not spiritual things, such as the spiritual benefit of fasting, to be preferred to the temporal profits of bodily labour ? Are not necessary things, like the statutes of the Church, to be preferred to unnecessary things, like travelling for pleasure, for profit, or even for spiritual ends ? I answer that here we must make a distinction. If the travel or labour

can be conveniently deferred or decreased without detriment to bodily health and what is required for the preservation of the bodily and spiritual life, the fasts of the Church are not to be omitted. But if there be need of making the journey immediately, and of taking food accordingly, or if exhausting bodily labour be imperative, whether for corporeal support or for something essential to spiritual life (*e.g.*, long journeys with many sermons and addresses), and with these the fasts of the Church cannot be observed, a man is not bound to fast, because it does not seem to have been the intention of the Church in appointing them that through this other pious and more necessary things should be hindered. It seems, however, that in such cases recourse should be had to the dispensation of authority, unless where custom has already settled the matter. For the silence of those in authority seems to give consent.

(Note that the author, familiar with a mild climate, takes no account of such an inclement winter as that of the Northern United States and Canada. In a Lent when the thermometer is below the zero of Fahrenheit, and may vary thirty or forty degrees in an hour, the rules which would suit Italy would be evidently out of place according to that "right reason" which is called "common sense." Abstinence from flesh on the coast of Labrador might require a large supply of canned vegetables!—J. J. E.)

Days and seasons of fasting.

The author only notices Lent, the ember-days, and the vigils of certain feasts. The American Church omits all vigils, but, like some parts of the Latin Church, adds the rogation days, and, like the whole Latin Church, all Fridays in the year, unless Christmas should fall on one of them, which one is an exception. The fast of Lent, says S. Thomas Aquinas, besides its general purpose of purifying the soul from sin and lifting it up to God in devotion, has special relation to preparing the faithful for a devout

Easter. The ember-days are based on the Lord's own example (S. Luke vi.), and are primarily for those who confer and those who receive Holy Orders, but secondarily for the people in whose behalf Holy Orders are conferred.

Our rubric, indeed, names only two fasts, *sc.*, Ash Wednesday and Good Friday, but calls all the others mentioned "days of fasting," and indicates one of the objects of fasting; *sc.*, "abstinence suited to extraordinary acts and exercises of devotion." Abstinence seems to be used, not as S. Thomas Aquinas employs it, for the virtue of which fasting is a manifestation, but as a modified form of fasting itself. Its connection with penitence is implied, not clearly expressed.

But certainly it should not be overlooked that the American Church claims her right to make positive laws having Divine sanction and binding conscience, an authority as explicitly asserted as by any civil government or any other part of the Catholic Church. "The Church *requires* such a measure of abstinence," etc.

Our author gives three articles to the rules of fasting as they existed in the Western Church of his age; *sc.*, one meal only each day, at about three P.M., with abstinence from flesh, eggs, milk, and its products. Wine and spirituous drinks are not included in the prohibition ("*potus non solvit jejunium*"), on the ground that the stimulus is transitory, while the solid food prohibited, in addition to its nutritive qualities, is more stimulating to animal desires than other food is.

It is evident that these rules of fasting are widely different from those of the early Church, and are not those of the Latin Church to-day. And I name the Latin Church, because the Anglican Church lays down no positive law beyond the general statement that she *requires* such a measure of abstinence as is more especially suited to extraordinary acts and exercises of devotion.

First, then, as regards the time for ending the fast. The

hour for the *breakfast*, "*déjeuner*," being in the author's age near noon, as is still common in Latin countries, with some coffee or chocolate and a light solid addition, "not exceeding four ounces on days of fasting," and the hour for breaking the fast on days of fasting being about three P.M., the special fast would be about three hours in duration. This, with our habits, would bring the principal meal of the day on or a little before noon.

Such was the rule of the Western Church in the middle ages; one meal only in twenty-four hours. S. Thomas Aquinas knows nothing of an allowed "collation," or half meal, in the evening, unless it exchange with the other, and become a light breakfast at noon, with a full dinner in the evening.

Little need be added concerning the kind of food on days of abstinence. The object of Church fasts being in part to repress carnal concupiscences, whenever the Church has laid down express rules, those articles of food have been partially or altogether interdicted which are most pleasant and most stimulating. There is more superfluous nutriment in a dinner of flesh meat than in an equal quantity of fish; other things being equal, the former is more agreeable, although very delicate dishes may in this regard evade the intention of the law while its letter is observed.

On the same grounds, it is a more rigid abstinence to refrain from eggs, milk, and its products. If such stricter abstinence be observed at all, it belongs to Lent as a time of more rigid fasting.

So far we may follow in our author's steps. Of stimulating condiments and superfluous luxuries on the table he says nothing.

Finally, in the absence of explicit law, it is evident that episcopal or pastoral counsel is the only guide in addition to a Christian man's sober judgment.

§ 4. Gluttony, sobriety, ebriety.

Is gluttony (gula) a sin?

It is the inordinate appetite of eating and drinking. Now, that appetite is inordinate which departs from that rational order in which the good of moral virtue consists. Anything is sin which is contrary to virtue; therefore gluttony is a sin.

(1) The Lord said (S. Matt. xv. 11), "Not that which entereth into the mouth defileth a man;" *i.e.*, food according to its own substance and nature has no spiritual influence. But inordinate concupiscence of food and drink does spiritually defile a man.

(2) But no one sins in what he cannot avoid; and "who is there who does not take some food beyond the limits of necessity?" (S. Aug., Confess. x. 31). But understand that the vice of gluttony does not consist in the quantity of food which is taken, but in a concupiscence not regulated by reason. And, therefore, if any one exceed in quantity of food or drink, not through concupiscence but through mistaken judgment, that is not due to gluttony but to ignorance. Gluttony is found when the pleasures of the table lead one consciously to exceed his proper limit.

(3) But the first motion of sin partakes of the nature of sin, while there is no sin at all in hunger and thirst. Yes; but man has two kinds of appetites; one which belong to his "vegetative" soul, in which there cannot be virtue or vice, because they are not subject to reason. Such appetites are hunger and thirst.

But there are other appetites which belong to the sensuous nature, and the first beginnings of inordination in these "have the nature of sin." (See the 9th Anglican "Article of Religion.")

Is gluttony a mortal sin?

The order of reason in regulating concupiscence admits of a two-fold view. Either it regulates the means to the

end when they are not duly proportioned to that end, or it looks to the end itself when concupiscence turns a man away from his due end.

If, then, the inordinate desire in the form of gluttony turn one away from the ultimate end, gluttony is a mortal sin (S. Luke xxi. 34; Rom. xiii. 13; Gal. v. 21). This happens when a man is so addicted to the pleasures of the table as his end ("his god is his belly") that he despises God, being ready to act against God's commandments in order to obtain his gratifications.

But if the inordinate concupiscence only concern the means to an end—namely, that one too much desires the pleasures of the table, but still would do nothing against God's law on this account—it is venial sin.*

(1) Not all mortal sins are directly against the Decalogue, but only those which contain injustice.

(2) Gluttony, in turning one away from the ultimate end of man, is contrary to charity. This makes it mortal sin.

Is gluttony the greatest of sins?

(Be careful to note that the word in popular use is limited to one very gross manifestation of this sin. In Moral Theology we look, also, at the more refined sins of society, all "revelling and drunkenness," all epicurean sensuality. See the next article.) The gravity of a sin depends upon three considerations: first, and principally, the subject matter (*materia*) of the sin. From this point of view sins respecting Divine things are the greatest sins. And the vice of gluttony is not the greatest, for it concerns things which belong to bodily sustenance. But next is to be considered the one who sins; and in this regard the sin of gluttony is rather lessened than aggravated, both on ac-

* Gluttony and intemperance, then, are mortal sins when they are injurious to the health of body or soul, when they prevent the fulfilment of duties and obligations. Observe that, as producing physical diseases, the remedy is physical as well as spiritual.

count of the necessity of taking food, and on account of the difficulty of distinguishing and controlling what is fitting in such matters. Thirdly, we are to consider the resulting effects. And in this respect gluttony is a very grave sin, inasmuch as it is the parent of various mortal sins—*e.g.*, lust, proud boastings, contentions, quarrels, etc.

(1) The penalties of this sin are many and great, either on account of its cause, as in the expulsion from Paradise, or by reason of the sins which follow from it.

(2) A man injures himself by this sin ; but this is accidental so far as he is concerned. He does not intend to injure himself, but to gratify his appetite ; and yet the sin is aggravated by the injurious consequences, which could be foreseen.

Diverse circumstances distinguish diverse species of this sin. Inordinate concupiscence may be marked by the kind of food, an epicurean search for dainties, or over nicety in their preparation, or excess in their quantity ; or, again, in the very act of taking food, the unseasonable time, or the eagerness, which does not proceed from hunger, but from this sin.

Gluttony is a capital sin.

Let it be remembered that from a capital vice other vices spring having it for their final cause, inasmuch as it is an end greatly sought for, and hence from desire of it men are excited to sin in manifold ways. Now, an end is greatly desired which promises some sort of felicity, as pleasure does. And as the pleasures of touch and taste are the chief sensual pleasures, the vice of gluttony takes its place (with lust) among the capital sins. Food, indeed, is naturally sought for as means to an end—*sc.*, the preservation of human life—and a large part of human labour is devoted to this necessary end. But the sin of gluttony is directed to the pleasures of food rather than to food in itself.

But a capital sin, which has an end in the highest degree

sought for, does not necessarily take the highest place in the catalogue of sins. Its children are five—foolish gladness, scurrility, filthiness, gabbling words, dulness of mind.

Sobriety.

In a general sense the word is applied to various matters (as in Tit. ii. 12), but, used more strictly, it applies to the well-governed use of drinks whose excess can intoxicate. And it is a special virtue, because it removes a special impediment to reason.

Is the use of wine altogether unlawful?

The apostle implies a negative in what he says to Timothy (1 Tim. v. 23), "Be no longer a drinker of water, but use a little wine," etc. No food or drink is in itself unlawful, according to the Lord's words (S. Matt. xv. 11), "Not that which entereth into the mouth defileth a man." Still, *per accidens*, drinking wine can become unlawful; sometimes from the condition of the drinker, if wine easily injure him, or he have made a vow not to touch it; sometimes from the manner of using it, when it is taken immoderately; and sometimes with reference to other men (especially in many parts of the United States), if they are scandalized by its use (Rom. xiv. 21).

When the apostle says (Tit. ii. 6), "Young men likewise exhort to be sober-minded," he intimates that the young have special need of this virtue for the restraining of concupiscences. But when he commands the aged men to be temperate (Tit. ii. 2), and says (1 Tim. iii. 3) that a bishop must be temperate and sober-minded, he intimates that they have special need of a clear head and of restraining what impedes the use of reason.

Ebriety.—Is drunkenness a sin?

It may mean the penal defect brought about through excess in intoxicating drinks which take away the use of

reason ; or " ebriety " may mean the act by which any one puts himself in such a condition, which may happen in more than one way. From inexperience of the strength of the drink, ebriety may happen without any fault on the part of him who uses it, especially if there have been no negligence on his part. Thus Noah may have become intoxicated through inexperience in the strength of wine.

But, again, inebriation may be a species of gluttony, arising from inordinate concupiscence as well as the use of the wine. This is a sin, for there are two species of gluttony, revelling and drunkenness.

The resulting defect is involuntary, for no one wishes to be drunk ; but the immoderate use of intoxicating drink, in which consists the sin, is voluntary.

What shall we say of him who offers wine to another ? He may be ignorant of the condition of his neighbour, unaware of any evil result ; certainly he does no wrong act. But if he does know this, both are sinning, the one in offering as the other in taking what produces the evil result.

Is ebriety a mortal sin ?

If one be ignorant of the strength of the drink, and that what he takes is immoderate, there is no sin at all. Or he may notice that the quantity is great, immoderate, but not suppose that its strength will affect him ; then ebriety may be venial sin. Or, again, both circumstances may be observed—*sc.*, the immoderation and the strength—and yet one may choose rather to be intoxicated than to abstain from drinking. Such a one is properly an inebriate, because mortal sins get their character from the intention. Such inebriation is mortal sin, because a man willingly and knowingly deprives himself of the use of reason by which he may do good works and decline from sin. It is mortal sin to commit one's self consciously to the peril of sinning mortally.

(Qu.: May one submit to his physician, who designs to produce this result as beneficial in dangerous sickness ?)

Is ebriety the gravest of sins?

The greater the good which is taken away by any evil, the greater is that evil. But it is manifest that Divine good is greater than human good. Therefore sins which are directly against God, are graver than intoxication, which is directly opposed to the good of human reason.

(1) S. Chrysostom says that nothing is such a friend to the devil as ebriety and lasciviousness; but this is true not because they are graver than other sins, but because they are most common, men being prone to them through concupiscences which originate in their nature.

(2) But a thing is called sin because it excludes the good of reason, which is what ebriety does in the highest degree. But the evil is greater in what is contrary to reason than in what temporarily takes away its use. For the use of reason which inebriation takes away may be either good or bad; but the good of virtues which is taken away by what is contrary to reason is always good.

Does intoxication excuse from sin?

Distinguish once more between the resulting evil and the preceding act. So far as the resulting defect which hinders the use of reason is concerned, ebriety excuses from sin, because through ignorance it causes the involuntary.

And, again, we must make a distinction as regards the preceding act. For if the inebriation followed from it without sin (say, altogether inadvertently, involuntarily, as may have been the case with Lot), then the resulting sin is entirely exculpated.

But if the preceding act (the taking intoxicating drink) was culpable, then the resulting sin is not wholly excusable, because it is rendered voluntary by the preceding voluntary act, and inasmuch as the sin is the consequence of being engaged in an illicit act.

But the resulting sin is diminished in guilt, as the voluntary is diminished.

(1) But the inebriate may be twice punished ; *i.e.*, heavily punished once for the crime of drunkenness, and again for the injury done when he is drunk. And the public utility which requires the repression of injuries may justly be very strict in this matter.

(2) We are not making one sin an excuse for another ; but the loss of reason and self-control, the resulting defect, is viewed as partial excuse.

(3) Concupiscence is no excuse for sin, because it does not totally hinder the use of reason, as intoxication does ; and yet passion may diminish sin, because sins of infirmity are less than sins of malice.

§ 5. Chastity, modesty, virginity.

Is chastity a virtue ?

Since chastity signifies the government of the concupiscence of venereal pleasures according to the dictates of right reason, it is manifestly a special virtue, having its special subject. So it is opposed to the vice of lust. It governs the body, indeed, but its immediate subject is the inward motions of special concupiscences. The body may be violated by violence, but if the soul remain inviolate, the violence of another's lust cannot take away even the sanctity of the body (S. Aug., *De Civ. Dei*, i. 18).

The bodily purity of an unbeliever is not truly the perfect virtue of chastity, for it is not referred to its due end ; and virtues are distinguished from vices, not by their acts but by their ends. "One is not truly virtuous unless he be righteous ; and he is not truly righteous unless he live by faith" (S. Aug., *Contra Julian*. v. 3).

But the word chastity, like its correlative, "fornication," has in Scripture use a wider and metaphorical signification. For in the union of the soul with certain things there are pleasures which may be admitted or resisted or restrained. (See 2 Cor. xi. 2, and Jer. iii. 1.)

We have considered temperance as applicable to all pleasurable desires of the senses of touch and taste. Abstinence was one species of temperance, referring to the pleasures of the table, the actions by which the individual is preserved. Now we have another species of temperance, relating to the actions by which the human race is preserved.

Modesty

applies not only to the acts which chastity governs, but to any signs of them, as immodest looks, kisses, embraces. Modesty, then, is not a distinct virtue, but a certain circumstance of the virtue of chastity. (Every chaste person is also modest.) Shame has reference to every base act, but most of all to those which have most turpitude as least under reason's control. Thus shame and reproach reach their climax in the sphere of modesty.

Virginal chastity

is not so much bodily purity as the fixed purpose of the soul to abstain perpetually from venereal pleasures. The "material" part is the sensible pleasures which are renounced; the "formal" part is the purpose of the mind (which purpose is the essence of any moral act).

If, then, those pleasures are experienced contrary to the consent of the mind and its fixed purpose, through violence, or in sleep, or from infirmity of nature, the essence of virginity is not lost, because such pollution does not happen through lewdness, which virginity excludes.

Is virginity illicit?

In human acts, that is vicious which is against right reason. But this demands that one use the means for any end in such measure as agrees with that end. Now, man's good is three-fold; first, outward things, like riches; next, corporeal goods; and, lastly, spiritual goods, among which those of the contemplative life are superior to those of the active

life (Nic. Eth. x. 7), as the Lord said (S. Luke x. 43), "Mary hath chosen the good part."

Of these goods the outward are ordained for the service of the body; and those of the body for the soul; and those of the active life for the contemplative life.

Right reason, then, uses each of these in its proper place. Hence if any one abstain from possessing anything which it would be otherwise a good to possess in order that he may provide for his bodily health or attend to the contemplation of the truth, this is not vicious, but is according to right reason.

In like manner, if any one abstain from corporeal pleasures in order that he may more freely contemplate the truth, he follows right reason. But for this purpose holy virginity abstains from all venereal pleasures, in order that it may give itself with less distraction to Divine contemplation; for the apostle says (1 Cor. vii. 34), "She that is unmarried is careful for the things of the Lord, that she may be holy both in body and in spirit; but she that is married is careful for the things of the world, how she may please her husband."

No sin can lawfully be counselled. But virginity is counselled (1 Cor. vii. 25). Therefore it is not illicit.

(1) But is not everything which is contrary to nature's laws illicit? And is not the law of nature promulgated in Gen. i. 28, viz., "Be fruitful, and multiply, and replenish the earth"? And, therefore, as he would sin who should abstain from all food to his own injury, does not he sin who violates this command, against the good of the race?

I answer that an obligation may be due in either of two ways; either it must be fulfilled by each one, and can be omitted by none without sin; or it may be due from the people as a whole, and then each one of that multitude is not bound to such fulfilment. For many things are necessary for the people as a whole which no one of them is sufficient for, but which are in part accomplished by one, in part by another.

The precept of the law of nature concerning eating must necessarily be obeyed by every one. But the precept concerning the continuation of the human race regards the multitude, which needs not only this, but also spiritual advancement. Therefore the continuance of the race is sufficiently provided for by the great mass of the community who are married; but the glory and beauty and salvation of the race may be promoted by those who, abstaining from marriage, have more leisure for the contemplation of Divine things. Thus in an army some guard the camp, some carry standards, some use the rifle, some look after the wounded—all these things are due for the whole and from the whole, but they cannot be fulfilled by one.

(2) But is not this going to extremes—*sc.*, instead of moderating pleasures, abstaining from them altogether? It would be so if it were done contrary to right reason, as by one abhorring pleasures in themselves, an unnatural savage. But we are not considering such an abstinence.

Is virginity a virtue?

Its essence is the purpose spoken of above, and that purpose is rendered laudable by the end; *sc.*, the having leisure for Divine things. Virginity, therefore, is a virtue, and a special one having its own material part. It is related to chastity as magnificence is to liberality; the one more general, the other of rarer obligation, but of special excellence.

We have seen (see page 73) that he who has one virtue has all, which seems to present a difficulty; *sc.*, that none but virgins can enter the kingdom of heaven. This, of course, is only apparent difficulty, for the connection of virtues does not depend upon their outward ("material") part but on their inward essence ("formal part"); they are united in charity or prudence. A virtuous man may have opportunity for the exercise of one virtue who has not for another, as the poor can practise temperance but not magnificence. So the virtuous man may be prepared in mind

for the virginal state if it were permitted to him, even as one in prosperity is prepared to bear adversities with equanimity; and without this preparation of mind no one can be a virtuous man.

Penitence does not undo the consequences of sin. If the magnificent man have wasted his goods, penitence will not restore them. So he who has violated his purpose of virginity by yielding to fleshly pleasures can never be as though he had not sinned; but penitence may restore the broken purpose, the essence of the virtue.

If virginity mean a pious and rational purpose of remaining unwedded—a virtuous purpose—it is evident that it cannot be lost without sin.

Is virginity a higher state than conjugal continence?

The apostle (1 Cor. vii. 33, *seq.*) makes virginity a matter of counsel as being a greater good; and this with reason, both because divine good is higher than human good, and the good of the soul is preferable to corporeal good, and because the good of the contemplative life is preferable to that of the active life.

Now, religious virginity is ordained for the good of the soul in a contemplative life, “caring for the things of the Lord;” while marriage is ordained, first, for earthly good, the increase of the human race, and, next, for the active life, because the wedded pair must necessarily be “careful for the things of the world.”

Although virginity is in itself better than conjugal continence, yet the wedded may be better than the virgin, both in the prepared mind, and in other superior saintliness.

Is virginity the highest of virtues?

It is so in its kind; *i.e.*, as respects chastity, it is superior to that of widows or of the married. But absolutely it is not so. For the end always excels the means to that end; and the more efficaciously a thing is ordained for the end,

the better it is. But the end which alone renders virginity laudable is freedom for Divine things. Hence, the theological virtues and the virtue of religion, whose acts are about Divine things, are preferable to virginity. The virgins "follow the Lamb whithersoever He goeth," because they most closely in that regard imitate Christ, but other virtues make them come nearer to God by spiritual saintliness.

§ 6. Lust (*luxuria*).

Lust is inordinate desire of venereal pleasures. In a more general sense it is extended to excess in other sensuous pleasures.

These pleasures are not necessarily sinful.

Sin in human acts, as has been often said, is what is contrary to the order of reason. This order of reason ordains each thing suitably to its end. Therefore there is no sin if the end be good, and if the means be used as reason dictates, in fitting manner and order. But as it is a good that the corporeal nature of the individual be preserved, so it is a superior good that the human species be preserved. And, therefore, as the use of food is free from sin if it be employed in due manner and order, so, also, the marriage bed in due manner and order for the ends of its institution.

But among the works of the flesh are enumerated (Gal. v. 19) the sins of lust. The more necessary a thing is, the more the order of reason must be preserved in it; and, consequently, the more vicious it is if the order of reason be set aside. But lust exceeds the order and manner of reason in venereal pleasures; therefore, it is a sin.

Man is not the absolute lord of his own body. "Ye are not your own, for ye were bought with a price; glorify God, therefore, in your body" (1 Cor. vi. 20). He that inordinately, through lust, abuses his body, does injury to God, who is the Lord of our body.

Lust is a capital sin.

For it has an end greatly sought after, through desire of which man proceeds to perpetrate many sins, which all spring from that fountain of vice. The end of lust is venereal pleasure in sense-appetite, most sought after, both on account of its vehemence, and on account of its being a "connatural" concupiscence.

Its children are blindness of mind, want of consideration, rashness, inconstancy, selfishness, hatred of God, love of the world, dread and despair of the future state (Eph. iv. 19), disorders of both reason and will.*

Sins of lust may be sins against nature when the producing of offspring is prevented; or the due bringing up of children is hindered, as in fornication; or the honour due to another is violated, as in incest; or injury is done to another's right, as in adultery, seduction, or rape. Here are six species of these sins of uncleanness and lasciviousness.

Is simple fornication a mortal sin?

The Word of God directly answers that question. "They which do such things shall not inherit the kingdom of God" (Gal. v. 21). Every sin which is committed directly against the life of man is mortal. But fornication is an inordinate act which tends to the injury of that life which would naturally proceed from such sexual intercourse of the unmarried with the unmarried. For the due rearing of the human child not only the mother's care is required, but even more that of the father, by whom the child is to be supported and protected. We may find the law of nature even in beasts, where father and mother are both needed for the offspring, and promiscuous concubinage is not found. Still

* Its antidotes are, (a) flight from temptation, from the places, the persons, the things which produce temptation; (b) hard work, producing moderate fatigue; (c) judicious asceticism; (d) receiving the Holy Communion.

more is promiscuous concubinage contrary to the nature of man. His nature requires that he remain with one female, not for a brief period, but for a long time, or even for his whole life. The man needs to be certain of his own progeny, because of his responsibility for that progeny. This determination to one settled female is matrimony, a part of the law of nature.

Because sexual intercourse is ordained for the common good of society, and common goods fall under the determination of law, consequently matrimony is rightly and necessarily determined by human law.

Fornication is none the less mortal sin if any one sufficiently provide for the bringing up of an illegitimate child; because that which falls under the cognizance of law is judged by what ordinarily happens, and not according to that which may happen in some exceptional case.

(1) It may be asked why, if this is mortal sin, it is placed, in Acts xv. 20, with such things as eating blood and things strangled, which certainly is not mortal sin. But the object of the decree was to reconcile Jewish and Gentile Christians. And while the Gentiles were warned against the sin of lust, which was commonly held to be no sin, they were also bidden to respect the scruples of their Jewish brethren concerning what is not in itself illicit.

(2) It is not merely inordinate concupiscence which makes this sin to be mortal, for a single act of this nature is inordinate; it may have the result of injury to progeny, and be the cause of separation from the love of God.

This sin being against the good of a future child, is graver than sins like theft, which are against outward goods.

But it is less than sins like unbelief, which are directly against God, and sin like homicide, against the life of a human being already born.

(1) It comes, indeed, from the most immoderate of desires, but what aggravates sin consists in the inclination of

the will. Passion in sense-appetite diminishes sin, because the greater the passion from whose impulse the sin is committed the lighter is the sin. "Through lust of the flesh the human race is more subjected to the devil than through any other" (Isidore).

(2) "He that committeth fornication sinneth against his own body" (1 Cor. vi. 18); but this does not make it the gravest of sins; for reason in man is of more consequence than his body, and if any other sin is still more repugnant to reason, it is a graver sin.

(3) But the sin of fornication is against the good of the human race, and against Christ. "Shall I take away the members of Christ, and make them the members of a harlot?" (1 Cor. vi. 15). But homicide is still more repugnant to the good of the race, and Divine good is greater than the good of the human race. Therefore, sins which are against God are greater. Fornication is not sin directly against God, but like all other mortal sins it is so in its result.

But as the members of our body are the members of Christ, so, also, our spirit is one with Him (1 Cor. vi. 17). Hence, also, spiritual sins like heresy are more against Christ than fornication.

May there be mortal sin in touches and kisses?

Some things may be mortal sin in themselves, "in their own species." In this way kisses, embraces, touches are not mortal sin, for they may be made without inordinate desire, either according to the customs of the people, or on account of some necessity or reasonable cause.

But, again, some things may be mortal sin from their cause; as he who gives alms in order to seduce some one into heresy mortally sins because of his corrupt intention. But it has been already seen (see page 89) that not only consent to the act of mortal sin, but consent to the pleasure of it, is itself mortal sin. And, therefore, since forni-

cation and, still more, other species of lust are mortal sins, consent even to the sinful pleasure is also sin of the same kind. Therefore lustful embraces and kisses fall under the same condemnation. In themselves they do not hinder the good of human offspring, but they spring from the root of this evil.

Is nocturnal pollution mortal sin?

Not in itself, for every sin depends upon the judgment of reason. The first motions of sensuality are sinful only as they can be repressed by reason. If the judgment of reason is removed from them, sin also is removed.*

The sleeper is visited by images over which he has no control, and, therefore, what he does in sleep, without any choice of his, is not his fault.

But this is not the end of the matter, for we must consider the cause of the pollution. It may be purely corporeal, the body relieving itself of superfluities, and, through the brain, acting upon the imagination, so that the dream is the result of the bodily action.

But all this may be due to some culpable cause, as excess in eating or drinking (stimulating drinks), and then the cause makes the pollution also culpable. But if there were no culpable cause, then the pollution is not sinful in itself nor in its cause.

But, again, previous waking thoughts may produce the same result, whether these thoughts have been in the way of duty, or whether they sprang from voluntary thought of carnal vices with desire of such gratifications. Here, again, the gravity of the cause makes the sleeping act also gravely culpable. Whereas, if the thought were in the course of scientific study, or accompanied by detestation of the sin, then the pollution is not sinful in itself nor in its cause.

Again, there may be an external cause, if evil spirits have

* The author is not discussing the deadly sin against nature, pollution produced in a manner directly voluntary—*sc.*, "masturbation."

power to excite the imagination or the brain. And this, indeed, may be with preceding sin—*sc.*, neglect of due preparation to resist the illusions of evil spirits. This is the spirit of the Compline hymn :

“ Drive far from us our ghostly foe,
That no pollution we may know.”

Our conclusion, then, is that nocturnal pollution is never sin, but it is sometimes the result of previous sin.

Observe that the action of reason is not entirely suspended in sleep. In the dream the soul observes and apprehends, but no longer, in free choice or moral judgment, exerts dominion over the images presented to it.

What the author further says on this question of the various forms of lust may be greatly abridged. If simple fornication be deadly sin, much more those other forms of lust which add new deformity to it. In seduction, and still more in rape, there is the injury done to another and to a family, which demands satisfaction according to the laws of God and man (Ex. xxii. 16 ; Deut. xxii. 28).

In adultery, beside these, there is the further injury to a husband's or a wife's right, and to the claims of offspring.

A still graver violation of nature's law is incest ; for (1) by that law we are bound to honour those nearest to us by ties of blood (Lev. xviii. 7) ; (2) by that law a natural check is put upon the familiar intercourse of members of the same family, which is guarded against unbridled lust ; and (3) familiar intercourse with a husband's or a wife's nearest kin is rendered possible, which would be prevented if there were no such law rendering future marriage impossible.

At the same time observe that this impediment of sexual intercourse among those who are nearly related by consanguinity or affinity is partly founded on natural reason, as between parents and children ; and is partly, also, founded

on custom and Divine and human law, which have varied respecting what is decent and indecent. And remember that what is ordained for the common good, as sexual intercourse is, falls under the direction of human law.*

Sacrilege of persons again adds a new deformity to those already mentioned—*sc.*, when a person has taken a vow of perpetual virginity, and that vow to God is broken.

Finally, there remain those unnamable sins, unnatural deeds of darkness (Rom. i.), against right reason, against nature, and the ends for which sexual intercourse has been instituted by God, some of which are the prevalent curse of Protestant communities to-day. In violating nature, which is God's order and law, injury is done to God Himself.

§ 7. Continence, incontinence.

Is continence (self-restraint, ἐνυπάρτεια) a virtue?

The word is used by some to express abstinence from venereal pleasure. So understood, the chief and perfect continence is virginity, which has been already shown to be a virtue, under certain conditions. Vidual continence comes next to it, and is to be estimated by the same principles.

But others (see Aristotle, Nic. Eth., lib. vii.), understand by continence the resisting of vehement depraved concupiscences. So understood, continence has somewhat of the nature of virtue, inasmuch as reason is steadfast against passions so as not to be misled by them; but still it does not (as temperance does) reach the perfect idea of moral virtue, according to which even sense-appetite is so subdued to reason that vehement passions contrary to reason do not arise in it. But using the word virtue loosely for any principle of laudable actions, we may call continence a virtue.

It may be said that self-restraint can be used badly, which

* See, further, Supplement, chapter on Matrimony, §

is not true of virtue. But man is truly man according to reason. And a man, properly speaking, uses self-restraint when he keeps himself to the dictates of right reason. He only is truly continent, not he who follows perverted reason. But depraved desires are opposed to right reason, as good desires are opposed to perverted reason. And, therefore, properly and truly, he is continent who abstains from evil concupiscences, adhering to right reason. But he who abstains from good desires, persisting in perverted reason, is not to be called self-restrained, but rather obstinate in evil.

*Continence * and incontinence properly apply to the desires of the pleasures of touch and taste.*

Continence implies a certain bridling of one's self so as not to be led by passions. Therefore it properly applies to those passions which impel one to pursue something wherein

* The difference between temperance and continence may not be at first sight clear to the student who is not familiar with the accurate moral distinctions of the Nicomachean Ethics.

(1) The desires and passions, if not naturally moderate, may be so moderated by acquired virtue that one shall feel only proper desires for all those pleasant things which conduce to health, a sound habit of body, or are connected with the perpetuation of the human race. The habit is formed and has become a second nature; one acts from it with deliberate preference. This is the virtue of temperance.

Intemperance is the opposite—the vice of the concupiscible passions. The man is like a child, in that his desires are the rule of his life. There is no protest of moral judgment. But, unlike a child, his perverted reason has adopted a vicious rule of life, and he follows it by deliberate choice.

(2) But, again, a man may have violent passions which require the strongest effort of his will to subdue, and they are perpetually struggling against his conscience and the curb of his will. If one succeed in curbing them, which he cannot do by his own unassisted powers, he is "self-controlled"—he is continent. But the imperfect virtue which he possesses is in his will.

It is manifest that, in this sense of the word, the Lord Jesus Christ could not be called continent.

If a man's will does not control these violent passions, he is inconti-

it is laudable that reason hold one back ; but it does not apply to those passions which imply a drawing back, as fear and the like. In these the firmly following what reason dictates is laudable.

But passions impel the more vehemently after something the more they follow natural inclinations, such as are the inclinations for what is necessary to preserve the individual and to preserve the human race. These, then, are the proper objects of continence and incontinence. Yet it will be noticed that the terms are used in wider scope of all vehement desires, as of honours, riches, and the like.

Continence has for its subject the human will.

Every virtue makes its subject different from the disposition which it has while subjected to the opposite vice.

But the concupiscible nature is in the same condition in the continent and in the incontinent, in both breaking forth into violent and depraved desires. Both of these also have the same right reason, and, when free from passion, purpose not to follow illicit desires. The primary difference between them is in their choice. The continent, although he suffer violent desires, chooses not to follow them, since his moral judgment protests against them ; but the incontinent chooses to follow them despite the protest in his soul. Therefore continence is in the will, whose action is choice.

The object of continence is sensuous desires, but as resisting them ; and this requires another power of the soul to make this resistance.

Is continence better than temperance ?

Continence as equivalent to virginity has been already discussed. But now we mean the resistance of moral reason

ment. His moral judgment protests, as it does not in the intemperate. He knows, in calmer moments, that his desire is bad ; but when the time of action comes his will resists the protest, and he acts contrary to his deliberate preference and judgment.

to depraved and violent concupiscences. And in this sense of the word temperance is much greater than continence. For the good of virtue is laudable in being according to reason. And this good is much more vigorous in the temperate man, in whom sense-appetite is subdued by reason, than in the continent man, in whom it vehemently resists reason through its depraved desires.

(1) But does not the continent man make the greater struggle and therefore gain a title to higher reward? I answer that the greatness or the feebleness of concupiscence arises from two causes. Sometimes it comes from natural physical constitution, some being naturally more prone to concupiscence than others are. And, again, some have greater opportunities and external temptations. And in such a case the greatness of the concupiscence resisted increases the merit of resistance.

But sometimes, as in the temperate man, the feebleness of the desire results from a spiritual cause, as the warmth of charity or the strength of reason. And then the feebleness of the desire by reason of its cause increases merit.

(2) One might be inclined to say that temperance belongs to a lower sphere, because it is the virtue of sense-desires, not of the will. But observe that the good of reason which makes virtue laudable is shown to be greater in reaching not only to the will, but to the sensuous passions, so that the whole man is formed anew.

Incontinence is a state of the soul, and not merely a matter of physical temperament.

The body merely gives occasion for incontinence. For sense-appetite is the operation of an organized body in which, owing to the condition of that body, violent passions may arise. But passions, however violent, are not the sufficient cause of incontinence, but only the occasion for it, because while reason is in operation man can always resist those passions. If they should grow so powerful as to take away the

use of reason, as in "emotional insanity," neither continence nor incontinence would be possible, because the moral judgment which the continent preserves, and the incontinent abandons, would no longer exist. The cause of incontinence, therefore, is in the soul, which does not resist the passions. And this may be either because it gives way to passions before reason has deliberated, which may be called "precipitancy," or because the man weakly does not abide by his determinations, through "infirmity of purpose."

(1) We notice that the bodily condition gives occasion to incontinence, for the soul has certain powers which use bodily organs and are conditioned by the state of those organs; and the operation of these powers of the soul with their organs contribute to those mental actions which do not use corporeal instruments; *i.e.*, to the action of the reason and will. For the reason receives its materials from sensibility, and the will is impelled by the passions of sense-appetite.

So it happens that women in general, although there are marked exceptions, are weaker in purpose because of their bodily constitution (acting from impulse rather than from fixed moral judgment. We might call the virtuous woman temperate rather than continent.) They are usually led by their feelings rather than by solid moral judgment.

(2) Again, there are some men who are naturally "quick-tempered," whose passions anticipate judgment; or who are "choleric," in whom the vehemence of their passions produces the same result; and, on the other hand, there are men of the feminine temperament, infirm of purpose; but no one of these things is sufficient cause of incontinence. The concupiscence of the flesh overcomes the spirit (Gal. v. 17), not of necessity, but through the negligence of the spirit itself, which does not will a firm resistance.

Is incontinence a sin?

It is recorded as one of the special sins of "the last days" in 2 Tim. iii. 3. And it is a sin for two reasons, because it

is a departure from what right moral judgment dictates, and because it is a plunging into shameful pleasures.

This is said of incontinence in its proper and simple meaning. But one may be said to be incontinent with respect to some particular thing, as when he transcends the limits of reason in his desire of riches, honours, and the like, which in themselves are good things. The sin herein consists in not observing due limits.

Figuratively speaking, one might be called incontinent who was "carried away" by good desires, which would be in accordance with reason. This would pertain to the perfection of virtue.

(1) But no one can by his own strength avoid incontinence; for the Lord says, "Without Me ye can do nothing" (S. John xv. 5). But man's need of Divine aid for continence does not prevent incontinence from being sin.

(2) But in him who is incontinent reason's moral judgment is overcome. (He makes good resolutions, but does not keep them.) Yes; but there is no necessity in this yielding; that would take away the idea of sin. It arises from the negligence of the man, who does not firmly apply himself to resist passion. (Hence he may feel remorse and shame.)

Is the incontinent more sinful than the intemperate?

Since sin lies chiefly in the will, where there is greater inclination of will to sin, there is graver sin. But the intemperate man's will is inclined to sin from deliberate preference, which proceeds from a habit which he has acquired by custom; whereas in the incontinent the will is inclined to sin by some passion. And because passion quickly comes to an end, but habit is "a quality hard to change," the incontinent feels regret when his passion ends; but the intemperate takes pleasure in his past sin, because habit has made it "connatural" to him. "They rejoice to do evil, and delight in the frowardness of evil" (Prov. ii. 14; Nic. Eth. vii. 7).

(1) There is an apparent objection to this, viz., that one seems to sin more gravely who acts against his conscience (S. Luke xii. 47), and the incontinent man knows how evil are the things which he desires, but nevertheless passion leads him to act against his conscience; whereas the intemperate man judges that the things which he desires are good, and so does not seem to oppose his own conscience.

This objection raises once more the question of *ignorance* excusing or not excusing sin. Ignorance in the reason sometimes precedes the inclination of appetite and causes it. Then the greater the ignorance, the more the sin is diminished, and it may be totally excused, since such ignorance makes the action involuntary so far as sin is concerned.

But, again, ignorance may follow the inclination of appetite, and the greater such ignorance the graver is the sin, because the sinful appetite is greater. But the ignorance of both the incontinent and the intemperate comes from appetite being inclined to something; in the one case through passion, in the other through habit.

But this causes greater ignorance in the latter than in the former. This is true, first, as respects duration; for in the incontinent the ignorance lasts only while the passion lasts, like the attacks of fever and ague. But the ignorance of the intemperate endures on account of the permanence of his habit, like a pulmonary consumption.

But, again, the ignorance of the incontinent regards some particular thing which he estimates as at that time to be chosen. But the intemperate is ignorant in respect of the end itself, judging it to be good that he follow his unbridled desires. (His moral principle is destroyed; the voice of conscience is silenced.)

(2) For this reason his cure is more hopeless. The "light within him is darkness," and his fixed habit resists admonition and correction. His cure, if it come at all, will be in the same way with that of the incontinent; viz., by the aid, and admonition and correction.

(3) But is not lustful passion greater in the incontinent, and does not this aggravate the sin? Yes, and no. The lust of the will which does aggravate sin is greater in the intemperate. But the lust of sensuous appetite may be greater in the incontinent, for he sins only from violent passions; while the intemperate sins from lighter concupiscence, and sometimes even anticipates it. "Every one would think a man worse if he did anything disgraceful when he felt no desire, or only a slight one, than if he felt very strong desires; and if he struck another without being angry, than if he had been angry; for what would he have done if he had been under the influence of passion?" (Nic. Eth. vii. 7).

Is incontinent anger worse than incontinent concupiscence?

The latter is baser because it has greater inordination. For (1) the passion of anger has something rational connected with it, inasmuch as the angry aims to avenge himself for injury done to him, which, in a certain way, reason dictates. The defect lies in not aiming at the due manner of vengeance. But concupiscence is totally sensual and in no respect rational. (2) The motion of anger follows the physical constitution in the quick-tempered more closely than in the lustful through concupiscence. This seems to make the excessively angry more pardonable. (3) Anger acts "above board," while concupiscence is sly and treacherous. (4) Concupiscence acts with pleasure, but anger has been preceded and compelled by sorrow.

But, on the other hand, we may consider the injury done to our neighbour, and so anger is generally graver in this respect.

§ 8. Meekness and clemency; anger; cruelty.

Is clemency the same as meekness (mansuetudo)?

Moral virtue is concerned with passions and actions. But

EMPERANCE AND ITS OPPOSITE VICES. [Qu. CLVII. 2, 3.

1 passions are the source of outward actions or they
apediments to action. And, therefore, the virtues
moderate the passions concur with the virtues which
ate actions, although they differ in species, in produc-
e same effects. Thus, justice restrains a man from
g, to which one may be inclined by the inward pas-
f love for money, which inordinate love is moderated
rality ; so liberality concurs with justice in the result,
staining from theft. So, in the matter now before us,
passion of anger one is provoked to demand heavier
ment. But clemency diminishes this punishment,
mild course of action might be hindered by excessive

And so meekness, by restraining anger, concurs in
ne effect with clemency. But the difference is that
clemency moderates outward punishments, meekness
shes the passion of anger. The latter regards the
te for vengeance, the former the penalties which ven-
demands.

Clemency is opposed cruelty ; to meekness, rage, wrath-
ision (*iracundia*).

both these virtues ?

e virtue alone subjects appetite to reason, and both
ess and clemency do this, it is evident that they are
irtues.

Observe that inflexible severity in inflicting punish-
and clemency concerning punishment, are not oppo-
each has its place according to right reason. There
asions for the one, and, again, for the other.

Clemency is related to severity as equity to legal jus-
t considers special circumstances on account of which
nishes penalties.

ness and clemency are virtues annexed to temperance.

common ground of the three virtues is restraint of
is ; the difference is in the object of restraint. The

Object of temperance, as we have seen, is the vehement desire of the pleasures of touch and taste; the object of the virtues which we are now considering is anger and its effects.

Equity has reference to the intention of the legislator going beyond the letter of his law; but clemency moderates passion, so that a man does not use all his power in inflicting penalties. So far as right reason allows, it shuns all that which can give sorrow to another.

The virtues which simply ordain man for good, as faith, hope, and charity, and also prudence and justice, are higher virtues than meekness and clemency, which withdraw man from evil. (Well worthy to be noted against affected sentimentality.)

But yet, among virtues which resist depraved affections these may have a certain superiority. For anger, which meekness moderates, may exceedingly hinder a man from judging of the truth, and, therefore, meekness helps to make a man master of himself. But temperance is the cardinal virtue, because fleshly concupiscences are baser, and more constantly beset a man.

Clemency also approaches to charity, the chief among virtues, which seeks all good for one's neighbour, and hinders his evil. (Such is the example of Christ's meekness: "Learn of Me, for I am meek." See, also, 1 Pet. ii. 23.) Meekness prepares a man for the knowledge of God by removing the impediment of anger and making one master of himself. Also, it hinders one from contradicting the words of truth.

Concurring in the same effect with charity, these virtues make a man acceptable with God and with men.

Piety and mercy, also, may have similar effects, each from different motive; piety, from reverence to superiors; mercy, from regarding others' evils as pertaining to one's self; meekness, from removing anger; clemency, from mild judgment of other's faults.

IMPERANCE AND ITS OPPOSITE VICES. [Qu. CLVII. 2, 3.

passions are the source of outward actions or they sediments to action. And, therefore, the virtues moderate the passions concur with the virtues which the actions, although they differ in species, in producing the same effects. Thus, justice restrains a man from , to which one may be inclined by the inward passion of love for money, which inordinate love is moderated by liberality ; so liberality concurs with justice in the result, saving from theft. So, in the matter now before us, the passion of anger one is provoked to demand heavier punishment. But clemency diminishes this punishment, and a mild course of action might be hindered by excessive anger. And so meekness, by restraining anger, concurs in the effect with clemency. But the difference is that clemency moderates outward punishments, meekness moderates the passion of anger. The latter regards the passion for vengeance, the former the penalties which vengeance demands. Clemency is opposed cruelty ; to meekness, rage, wrath (iracundia).

Doth these virtues ?

virtue alone subjects appetite to reason, and both justice and clemency do this, it is evident that they are virtues.

Observe that inflexible severity in inflicting punishment and clemency concerning punishment, are not opposite, each has its place according to right reason. There are reasons for the one, and, again, for the other.

Clemency is related to severity as equity to legal justice, considers special circumstances on account of which it imposes penalties.

Justice and clemency are virtues annexed to temperance.

A common ground of the three virtues is restraint of passion ; the difference is in the object of restraint. The

Object of temperance, as we have seen, is the vehement desire of the pleasures of touch and taste; the object of the virtues which we are now considering is anger and its effects.

Equity has reference to the intention of the legislator going beyond the letter of his law; but clemency moderates passion, so that a man does not use all his power in inflicting penalties. So far as right reason allows, it shuns all that which can give sorrow to another.

The virtues which simply ordain man for good, as faith, hope, and charity, and also prudence and justice, are higher virtues than meekness and clemency, which withdraw man from evil. (Well worthy to be noted against affected sentimentality.)

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To clemency is opposed cruelty; to meekness, rage, wrath-passion (*iracundia*).

Are both these virtues?

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Anger.—Is it lawful to be angry?

Anger is a passion of sense-appetite. Now, in the passions of the soul, evil is found in two ways: First, the passion is evil on account of its object, as passion. Thus, envy in itself is evil, because it is sadness at another's good, which in itself is repugnant to reason. Badness is implied in the very word (Nic. Eth. ii. 6).

But this is not true of anger, which is the desire of vengeance on evil, which may be sought for rightfully (righteous zeal for good) or wrongfully (Eph. iv. 26).

Secondly, evil may be found in any passion from its excess or deficiency. So evil may be found in anger, when it is more or less than right reason dictates; otherwise it is laudable.

(1) But does not anger disturb the soul's tranquillity, disregard reason, and blind the mental vision? I answer that it may, indeed, precede reason, and drag it away from rectitude, and so be evil. But, also, it may follow reason, sensibility being excited against vices according to rational order, and this "zeal" is good. "Take care lest anger, accepted as the instrument of virtue, become mistress of the mind; but keep it as a servant, prepared to obey reason, and never departing from following its rightful lord" (S. Greg., Moral. v. 30).

"Zeal may, indeed, cloud the eye of reason, but wrath blinds it." Yet it is not contrary to the idea of virtue that reason's deliberations be intermitted in the execution of what has been rationally decided. Thus, one working at any art would be impeded in the time for action if he should be deliberating when he ought to be acting.

(2) But is it lawful to seek vengeance? Is not this reserved for God? "Vengeance is Mine, and recompense" (Deut. xxxii. 35). It is certainly illicit to seek vengeance for the sake of the evil of him who is to be punished; but to seek vengeance for the correction of vices and the preservation of justice is laudable. And the emotions as moved

by reason can aim at this. When vengeance is taken according to the order of justice, it is from God, whose minister is any authority which rightfully punishes (Rom. xiii.).

(3) But it may be said that what removes us from the Divine likeness is evil, and anger does so. But we can and we ought to be like God in the desire of good; only in the manner of seeking it we cannot altogether resemble Him. For in God are not human passions, which we, however, can make the servants of our moral reason.

Is anger a sin?

S. Paul says (Eph. iv. 31), "Let all bitterness, and wrath, and anger, . . . be put away from you." The passions are good so far as they are regulated by reason; but if they exclude its order, they are evil.

But in the order of reason must be considered, first, what is sought for by way of vengeance. Zeal, righteous vengeance, seeks what moral reason demands (S. John ii. 17). This is laudable anger. But one may seek vengeance contrary to the order of reason, as when he desires that another be punished who does not deserve to be punished, or beyond what he has deserved, or when he seeks an unlawful punishment, or for some other end than what is right, which is the preservation of justice and the correction of faults. This is unrighteous anger, the bitterness of wrath.

But, again, must be considered the mode of the anger; for if it be immoderate, whether in outward manifestation or in inward passion, it will not be without sin, even though one seek for righteous vengeance.

(1) Passion, absolutely considered, has neither merit nor demerit, neither praise nor blame. But when regulated by reason it is meritorious and laudable; when not so regulated it has demerit, and is blameworthy.

(2) But it may be said that no one sins in what he cannot avoid, which is true of anger. "Every one who acts from

anger, acts under a feeling of pain" (Nic. Eth. vii. 6), and such pain is contrary to the will.

I answer that man is lord of his own acts through rational choice; and, therefore, the emotions which anticipate the judgment of reason are not so in the power of a man that he can prevent their arising in his soul, although reason can impede each one, individually, as it arises. And thus the emotion of anger is not so in a man's power that he can hinder its presence within. But it is so far under control that its inordination is sinful. And the pain of which Aristotle speaks is not pain from anger, but from the injury done; and this pain moves the soul to seek for vengeance.

(3) It is true that anger is natural emotion, and so far is according to reason; but, also, it is naturally subject to reason; and if it oppose the order of reason, it is unnatural.

Is all anger mortal sin?

If one seek unjust vengeance, anger is mortal sin, as contrary to charity and justice. But this passion may be venial sin on account of the imperfection of the act. Thus, the emotion may precede the judgment of reason, or one may "vent his spite" in some trifling way, as when he gives a troublesome boy a trifling though angry pull by the hair. Or, again, the manner of the anger, although the emotion is justifiable, may be wrong in its excess, which may be venial; or it may be mortal sin, if one from the vehemence of his anger depart from charity towards God and his neighbour (Col. iii. 8).*

When the Lord said (S. Matt. v. 22), "Every one who is angry with his brother shall be in danger of the judgment,"

* Distinguish, then, three manifestations of this capital sin: (a) revenge is sought for in the name of righteous vengeance, even when the law is invoked; (b) vengeance is taken without due authority (e.g., "lynch law"); (c) the penalty inflicted is more than justice demands, being the gratification of personal hatred.

He had been speaking of the Old Law respecting murder; and He shows its spiritual meaning—*sc.*, that the inward disposition which seeks another's injury with deliberate consent of reason is mortal sin.

Is anger the gravest of sins?

If we consider what the angry man seeks for, his passion seems to be the least of sins of its kind; for he seeks the evil of penalty, as righteous vengeance—*i.e.*, as a good. In the first respect the sin of anger is like that of envy and hatred. But hatred seeks evil for a neighbour absolutely as evil, and envy does so through vainglory. So it is plain that hatred is graver than envy, and envy than anger.

But, as seeking what appears to be good, anger agrees with the sin of concupiscence. And in this respect the sin of anger in itself appears to be less than that of concupiscence, because better is the good of justice which the angry seeks for than the pleasurable or useful good which the lustful seeks for.

When we consider, however, the inordination of the sin, anger has a certain superiority on account of the vehemence and swiftness of the passion. "Wrath is cruel, and anger is outrageous" (Prov. xxvii. 4).

Distinctions in anger,

as a sin, may repay a moment's consideration. (See Nic. Eth. iv. 5). The irascible are too quickly angry, and from any trifling cause. "Bitterness of spirit" is shown by persistent dwelling upon the injury done; by "letting the sun go down upon one's wrath." The revengeful seek for satisfaction with obstinate desire.

But the Lord (S. Matt. v.) pointed out, not the species of anger, but its grades in the progress of sin. First, the thought of the heart; then the outward manifestations of it, saying to a brother "Raca;" and finally the completed act of sin in doing injury under the notion of re-

venge, saying, "Thou fool," which is meant for injurious words, the lightest form of injury. And if the first of these is mortal sin in the case of which the Lord is speaking, how much more the others, which are worse.

Anger is a capital sin,

both because its object is regarded as just, honourable, and desirable, which makes the sin become the parent of many others, and because of the violence of anger, which hurries the soul into inordinate acts of various kinds.

The six daughters of anger are indignation and tumult in the mind, uncontrolled clamour, blasphemy and contumely in words, strifes and all other injurious actions.

Is defect of anger a sin?

One may seek to inflict just penalty, not out of passion, but from sober judgment of what is right and best. Herein defect is undoubtedly sin. But of necessity the motion of sense-appetite in man follows the simple motion of the will. This is one of nature's laws. Therefore, if anger be totally absent from the feelings, there must be absence or feebleness of the action of the will. Consequently deficiency in anger is vicious, as the defect of will also is.

(1) He who is never angry when he ought to be angry may imitate God in his absence of passion, but he is unlike the righteous Judge of all the earth.

(2) The passion of anger is useful, like all the other motions of sense-appetite. It makes a man more prompt to execute what reason dictates. God makes nothing in vain; and if this were not so, the emotions would have no good function to fulfil.

(3) Reason's judgment does not remain entire if there be no anger in the soul; for that judgment causes not only the simple motion of the will, but the following emotion of the sensitive soul. And the absence of anger is a sign of the absence of rational moral judgment.

Cruelty

is the opposite of clemency, inflicting severer punishments than reason requires. But it should be distinguished from that unnatural vice called ferocity, barbarity, inhumanity, which takes delight in others' pain simply as pain. Such vice is not human ; it can only be called bestiality, if it does not rather place man below the level of the brute.

§ 9. Humility.

Is humility a virtue ?

The Lord answered that question when He said, " Learn of Me, for I am meek and lowly of heart." Let us consider what place humility holds among the virtues. Difficult good has something which attracts desire—*sc.*, the idea of the good ; and it has something which repels—*sc.*, the difficulty of obtaining it. The first excites hope, the other tends to despair. There must be, then, on the one side a moral virtue, moderating and restraining hope within its due limits ; on the other, a moral virtue strengthening and impelling against despair. The first hinders the soul from unduly aiming at the highest things, and this is humility ; the second impels the soul to aim at great things according to right reason, and this is " magnanimity."

Abasement may come from an external cause : " He that exalteth himself shall be abased." And this is penal. But it may also proceed from an inward cause, and so it is sometimes virtuous, as when one contemplates his defects and puts himself in the lowest place, like Abraham, who said (Gen. xviii. 27), " Behold now I have taken upon me to speak unto the Lord, who am but dust and ashes." But such self-abasement may also be evil, as when a man, not understanding his dignity as a man, considers himself nothing more than a developed brute, and makes himself like his progenitors.

Aristotle, with all his admirable analysis of virtues, seems

to have no place for humility. The explanation may be that he was considering man as a "social animal," not as the child of God by creation and Providence. But humility, as a special virtue, has in view especially man's subjection to God, for whose sake he is humble towards others also. (Aristotle is, I think, the most unspiritual of the world's great thinkers. His morality leaves out conscience towards God.)

Does humility direct the intellect or the desires?

It makes one check himself from seeking what is above his powers. And for this he must know what his deficiencies are. The knowledge of one's weakness belongs to humility as a rule directing the desires. (See Rev. iii. 17. 18.)

(1) But are we not told to "desire earnestly the greater gifts"? And if that is consistent with humility, what can the virtue be but a humble mental judgment of one's self? To aim at great things with confidence in one's own powers is indeed contrary to humility, but to aim at the highest attainable good through Divine assistance is not so; on the contrary, "he that (so) humbleth himself shall be exalted."

(2) Magnanimity strengthens the mind against despair in order that one may not be rendered unworthy of obtaining the good which belongs to him. But the ground of humility in repressing presumption is reverence towards God, which prevents a man from attributing more to himself than belongs to him according to the place where God has put him. And this is the reason why humility especially implies man's subjection to God, the virtue of "the poor in spirit," which is perfected by the spiritual gift of godly fear (S. Aug., De Sermonibus Domini in Monte, i. 4).

Does humility make a man subject himself to every one?

The Divine rule is (Phil. ii. 3), "In lowliness of mind each counting other better than himself." In man may be considered what he has by special gift of God, or what he is

as man. But all deficiency is his own, and from God is whatever pertains to salvation and perfection. And when a man considers what he is in himself, the humble reverence by which he subjects himself to God makes him subject himself to his neighbour in what that neighbour has from God.

But humility does not require that any one subject God's gifts in himself to what in another appears to be from God. For those who receive God's gifts may know that they have them (1 Cor. ii. 12). And therefore, without prejudice to humility, they can prefer the gifts which they themselves have received to what appears to have been conferred on others (Eph. iii. 4, 5).

In like manner, humility does not require that one subject what he is as man to what another is in the same way, otherwise it would be necessary that each one should deem himself greater sinner than any other; whereas the apostle, without prejudice to his humility, says, "We being Jews by nature, and not sinners of the Gentiles."

But one can and ought to think some hidden good to be in his neighbour which he himself does not possess, or some evil (even unknown) to be in himself which is not in the other; and so each "counts other better than himself."

(1) But it was said that humility chiefly consists in being subject to God; why, then, also to man? Because we ought to revere God not only in Himself but in whatever is specially His, though not, indeed, with the same kind of reverence; *e.g.*, sacrificial worship. "Be subject to every ordinance of man for the Lord's sake" (1 Pet. ii. 13).

(2) But would it not be false pretence for those in the highest station to subject themselves to inferiors? If we prefer in our neighbour that which is of God to that which is our own in us, we cannot incur falsity.

(3) But if we in humility subject ourselves to another, may not this be doing harm to him through his growing proud or despising us? No; for humility, like the other virtues, is chiefly in the soul. And, therefore, man can sub-

ject himself to his neighbour in inward affections without giving occasion for detriment. But in the outward expression of humility, as in the acts of the other virtues, due moderation is to be exercised, lest harm be done. But if one do what he ought to do, and another from this take occasion of sinning, this is not imputed to him who acts humbly, because he does not give scandal (active), although the other is scandalized (passive, pharisaic scandal).

Humility is a virtue annexed to moderation or temperance.

Temperance has been defined as the curbing or repressing the attack of any passion (see page 425). Therefore all virtues which act in this manner are parts ("potential") of temperance, or virtues annexed to it. But as meekness represses the emotion of anger, so humility represses presumption, the emotion of hope aiming at too great things.

Humility is that moderation of spirit spoken of by S. Peter (1 Ep. iii. 4)—"the incorruptible apparel of a meek and quiet spirit."

The theological virtues are the causes of this virtue, because they have God for their object; but this truth is not inconsistent with our proposition. (Moderation or temperance may be Divine virtue in the same way.)

Is humility the chief among virtues?

The Holy Scriptures give that chief place to charity. "Above all these things put on charity" (Col. iii. 14). For the good of virtue depends upon the order of reason, and this principally regards the end. Therefore the theological virtues, which have for their object the ultimate end, are the chief.

But in the next place the order of reason considers the means as ordained for that end. And this ordination consists essentially in reason itself as ordaining (the intellectual virtues); but, by participation, in the desires as ordered by

reason, which justice, especially legal justice (not only for private relations between man and man, but for society), universally accomplishes.

But humility makes man subject to this rational ordination for all things in general, as each virtue does in its own special matter.

(1) In the parable of the Pharisee and the publican (S. Luke xviii.) humility is not placed above general justice, but above justice to which pride is joined, for then there is no true virtue ; while, on the other hand, humility secures the remission of sins. " This man went down to his house justified rather than the other " (v. 14).

(2) In one way humility is the foundation of the spiritual edifice. For while true virtues are the gift of God, impediments must be removed. So humility holds the first place in expelling pride which God resists, and making man submissive to God, and opening his heart to the influx of Divine grace. For " God resisteth the proud, but giveth grace to the humble " (S. Jas. iv. 6).

But in another way that is directly the first among virtues by which we draw nigh to God ; and that is faith (Heb. xi. 6). Faith, then, is the foundation of the spiritual edifice in a nobler way than humility.

(3) Humility has its own special promise—" He that humbleth himself shall be exalted " (S. Luke xiv. 11) ; just as he that despises earthly riches is promised heavenly treasure (S. Matt. vi. 19), and they that renounce earthly joys are promised heavenly consolations (S. Matt. v. 5).

(4) You may observe that Christ proposed to us the example of his own humility. " Learn of Me, for I am meek and lowly in heart " (S. Matt. xi. 29). He commended humility to us because it removes the chief impediment to our salvation, to our aiming at heavenly and spiritual things. So humility is the preparation of soul for free access to spiritual and Divine goods. But those goods are better than the preparation for them.

S. Benedict's twelve steps of humility.

This virtue consists essentially in desire restrained from inordinately and presumptuously seeking what is above its natural power.

But humility has its rule in cognition ; *sc.*, that one does not think of himself "more highly than he ought to think," and the principle and root of both is reverence towards God.

But from the inward humility which is the gift of grace proceed outward signs of it, in words and deeds and gestures, by which are manifested what is hidden within the soul. And he that aims at humility first restrains its outward signs, in order that he may extirpate the buried root. This latter order is that followed by S. Benedict. In explaining it, we will follow the reverse order. (12) The root is, fearing God and being mindful of all which He commands. Considering our desires, which must not inordinately aim at our own superiority, we reach the next step, (11) not following one's own will ; and (10) submitting one's self obediently to a superior ; and (9) patiently submitting in hard and disagreeable matters. Three more steps pertain to a man's recognition of his own deficiencies : (8) Confession of faults and sins ; (7) confessing and believing one's self unworthy of greater things and unfit for them ; (6) preferring others to self in this respect. Then we come to outward signs of humility : (5) Not pretending to be different from others, aping singularity, out of pride deviating from what is usual ; (4) learning to keep timely silence without hasty speech ; (3) using few, rational, quiet words. Finally, in gestures humility is marked by (2) a subdued demeanour and (1) a quiet repressing of extravagant and idle laughter, etc.

Observe that the discipline of the deadly sin of pride follows the reverse order from that here given.

Do not object that the sixth and seventh steps may be based on a low and false estimation of your own merits and

fitness for a higher place than you now have. For you can consider in yourself your secret faults, and the hidden gifts of God in others. And you can most truly confess your own unfitness for greater things, referring all your sufficiency to God, as S. Paul did (2 Cor. iii. 5).

§ 10. Pride.

Is pride a sin?

It is inordinate desire of one's own superiority, whereas right reason demands that the will of each one be directed to what is proportioned to himself. What is against reason is sin; therefore this is sin. "It is a perverted imitation of the Most High, hating equality with equals under Him, and wishing to impose its own lordship over them in His place" (S. Aug., *De Civ. Dei*, xix. 13).

And it is a special sin (S. Mark vii. 22), having its own proper object, which is one's own superiority. But it has also a certain generality, because all other sins can originate in pride, being ordained for its end, and having hindrances removed from their way, because pride makes man despise the Divine law. I do not say that all sins always originate from pride; for although a man can transgress every precept of the law in that contempt of it which comes from pride, he may also break God's law through ignorance or infirmity.

Although pride is a special sin, it may corrupt every kind of virtue by abusing it, taking occasion for pride from the virtue itself. For its object may be found in the most diverse matters.

Pride is found in the sense-appetite, the "irascible desires" (cannot brutes be rivals of one another for superiority?), and also in the will. For the difficult good which pride aims at is found in both sensuous things and in spiritual things. In the one case, the pride is in sense-appetite; in the other, in the rational appetite; *i.e.*, in the

will. Devils have pride of will. "The beginning of pride is apostasy from God" (Ecclus. x. 14).

(1) What, then, do we mean by "pride of intellect"? The knowledge of truth is two-fold; one is purely speculative, which pride directly impedes by withdrawing its cause. For the proud man does not subject his intellect to God in order that he may learn the truth from Him. Neither does he condescend to learn from men. The truth is hidden from "the wise and prudent"—that is, from the proud who are wise and prudent in their own eyes—and revealed "unto babes," i.e., to the humble (S. Matt. xi. 25).

But there is another knowledge of truth which is joined with love of it. And such knowledge of truth is directly hindered by pride, because the proud, pleased with their own excellence, disdain the excellence of truth. "With the lowly is wisdom" (Prov. xi. 2).

(2) The cause of pride may be found in the intellect of the proud man. He neglects that rule of right reason, not "to think of himself more highly than he ought to think." And this comes from his inordinate desire of his own superiority, for what one vehemently desires he readily believes to be true, and hence his desire is turned to things too high for him. His considering also the defects of others has contributed to his high opinion of himself. But all this connection of reason and pride does not prove that pride is an intellectual vice.

S. Gregory's four species of pride.

(1) The more good one has, the greater his excellence. Therefore, when any one attributes to himself greater good than he actually possesses, he is aiming at his own superiority in an inordinate manner. One species of pride, then, is boasting of good which does not belong to the boaster.

(2) The good in any one is more excellent if it proceed from himself than if he derived it from another. And, therefore, when any one estimates the good which he has

from God as if it were altogether his own, he is unduly exalting himself by his pride. "Who maketh thee to differ? and what hast thou that thou didst not receive? But if thou didst receive it, why dost thou glory as if thou hadst not received it?" (1 Cor. iv. 7).

(3) So, also, one may believe that he has received superabundant gifts on account of his own merits, which is equally the sign of pride. "By grace ye are saved through faith; and that not of yourselves; it is the gift of God; not of works, that no man should glory" (Eph. ii. 8).

(4) One despising others may wish to appear to be of singular excellency, like the Pharisee in the Gospel (S. Luke xviii.).

(1) The second and third would be infidelity if they were made general propositions, that good is not from God, or that grace is given to men for their merits; but the proud man is thinking of himself alone. Since the ungrateful attributes to himself what he has derived from another, it is evident that these two kinds of pride are also marked by base ingratitude.

(2) The boasting spoken of is the falsehood—inward, perhaps—which belongs to pride. Excusing one's sin is similar, for it is attributing to self an innocency which is not possessed.

(3) Presumptuously aiming at what is above one's powers may be referred to the fourth species of pride, where one wishes to be above his fellows.

(4) We have seen the twelve steps of humility. S. Bernard points out the twelve opposite steps of pride. First in manner and looks: (1) The inquisitively and inordinately looking round at everything; (2) the shallow mind showing itself in proud words; (3) the ready laughter at what is thought ridiculous in others; (4) the readiness to boast of one's own achievements; (5) the aiming to appear singular, as if one were holier than others; (6) arrogance, preferring one's self to others; (7) presumption in thinking

one's self sufficient for great undertakings ; (8) defence of faults and sins ; (9) unreal confession of sins, with unwillingness to bear penalties imposed ; (10) rebellion against superiors ; (11) unbridled will, delighting in doing freely one's own pleasure ; (12) habitual sin, which implies contempt of God.

Is pride a mortal sin ?

Pride is opposed to humility, which subjects man to God. Failing in this subjection, one extols himself above what is assigned to him according to the Divine rule or measure. He is of the opposite mind to S. Paul (2 Cor. x. 13): " We will not glory beyond our measure." Thus, " the beginning of pride is apostasy from God," and, therefore, it is mortal sin in aversion from God.

But, as in other mortal sins, there are some motions of the soul which anticipate the judgment of the mind and the consent of the will, and so are venial transgressions ; so, also, there are some motions of pride to which one may not give consent, which are therefore venial sins.

(1) Pride is not universal sin in its essence, but from it all other sins may arise. Hence, it does not follow that all sins are mortal, except when they arise from completed pride.

(2) Pride is always contrary to the love of God, in not being subject to the Divine rule ; and sometimes, also, to the love of our neighbour, when one inordinately prefers himself to another, or refuses due subjection. Then, again, the Divine law is contemned which institutes orders of men, placing one under another.

(3) Virtues do not produce pride as causes *per se*, but only as one takes occasion for pride, and makes his virtues to be no virtues at all.*

* Notice, as familiar forms of pride, the receiving of the Blessed Sacrament without due preparation, rather than to appear less devout than others ; and, again, the keeping up display at home, etc., which cannot be paid for.

Pride is the gravest of sins.

In sin we have already seen that we must consider two elements; viz., the turning to transitory good, which is the "material" part, and the aversion from unchangeable good, which is the "formal" and completing part of sin. Now, on the part of the first, the conversion to something, pride is not the greatest of sins, for an elevated position which the proud man inordinately seeks has not in itself the greatest repugnance to the good of virtue.

But on the part of aversion, pride has the gravest character, because in other sins man turns away from God either on account of ignorance, or of infirmity, or of desire for some other good; but pride turns away from God because it will not be subject to Him and to His law. "While all vices avoid God, pride alone resists Him" (Boetius). Wherefore it is especially said (S. Jas. iv. 6), "God resisteth the proud." Aversion from God and His precepts, then, which is, as it were, a consequence in other sins, is the essence of pride whose act is contempt of God. This makes it, in itself, the gravest of sins in that which completes sin.

(1) But is not the sin which is the most difficult to avoid the lighter on that account? Does not S. Augustine say, (Ep. 211), "Other sins are carried out in evil works, but pride insinuates itself into good works that they may be destroyed"? I answer that there are two ways in which a sin is difficult to avoid; one is on account of the violence of the assault, as anger is, for this reason, hard to resist, and concupiscence still more so on account of its connection with our sensuous nature.

But, in another way, some sins are hard to avoid, on account of their being hidden. Such a sin is pride. And, therefore, the motions of pride, secretly stealing into the soul, have not the gravest character before they may be detected by the judgment of reason. But when so detected, there are considerations which render them easy to be avoided: (a) The thought of our own infirmity. "Why is

dust and ashes proud?" (b) The thought of the Divine greatness (Job xv.), and (c) reflection on the imperfection of the goods of which man is proud. "All flesh is grass, and all the goodliness thereof is as the flower of the field" (Isa. xl. 6).

(2) In this aversion from God pride increases the greatness of other sins. Infidelity is rendered far more grave if it proceed from proud contempt than if it come from ignorance or infirmity. So with despair and the like.

(3) In order to convict the pride of men, God permits some to fall into carnal sins which, though less, have more manifest turpitude. "The fault of pride is less felt because it is found in the most elevated persons, or because it takes its origin from works of virtue. But lusts of the flesh are likely to be noted by all, and are degrading, though they be sins of less guilt than pride. But he who is the slave of pride and does not feel his slavery, falls into carnal sin in order that he may be humbled and truly rise" (Isidore).

And this very fact shows the gravity of pride itself. Thus, the good physician may produce a less serious illness by his medicaments in order to cure a more deadly disease.

Pride is the first sin and the foundation of all sins.

Aversion from God, which completes sin, belongs to pride *per se*; to other sins as resulting from pride. It is, therefore, the primal sin, and the source of all other sins; not that every individual act of sin arises from pride, but every kind of sin naturally springs from it.

(1) The order of sins is not the order of virtues. That which is first generated is the last to be corrupted. And, therefore, as faith is the first of virtues in order of production, so unbelief is the last of sins, to which man is sometimes led through other sins, as we read in 1 Tim. i. 19: "A good conscience, which some having thrust from them, made shipwreck concerning the faith."

(2) Lighter sins, committed through ignorance or infirm-

ity, in point of time may precede this gravest sin. But it causes the gravity of other sins by reaching the very foundation of all sin. "It is last in those returning to God ; it is first in those departing from God." (Compare the order in Dante's *Purgatorio*, Div. Comm.)

Is pride a capital sin ?

Some, viewing it as a special sin from which many kinds of sin arise, have numbered it among the capital sins ; but S. Gregory, considering its universal influence over all sins, made it queen and mother of all vices.

It is not the same as vainglory, which has its place among the capital sins, but it is the cause of that ; for while pride inordinately seeks for superiority, vainglory aims at its manifestation.

(It may be instructive to notice what the author points out in qu. clxiii. ; viz., that the first sin of our first parents was pride, the inordinate desire of spiritual good and excellence. That first sin could not be appetite for sensible good, because in them there was no rebellion of the flesh against the spirit. A spiritual good was sought for against God's rule, and above their measure. They yielded to the tempter saying, "Ye shall be as gods." Disobedience was caused by this ; from it came the sin of fleshly appetite. It was pride that yielded to the sinful desire of knowledge, of "knowing good and evil.")

§ 11. **Moderation** ("modestia").

(In the author's arrangement humility is included under this. But for convenience we now consider other forms of it abridged from our text. Moderation is the virtue by which one restrains himself inwardly and outwardly within the limits of his station, talents, and fortunes. It is a virtue annexed to temperance, the latter moderating what is most difficult to control, *sc.*, the concupiscence of the pleasures

of taste and touch; the former, other desires where the difficulty is not so great.)

Moderation controls four elements of our inward and outward life: (1) The desire of superiority, through humility, which we have already considered; (2) the desire of knowledge; (3) outward actions, whether in the serious affairs of life or in recreations; (4) outward apparel, ornaments, household furniture, etc., etc.

Virtuous desire of knowledge ("studiositas").

All men naturally desire to acquire knowledge. (Curiosity begets philosophy, asking, what? whence? whither? why?) But this desire of knowing needs to be governed, for its results may be either good or bad. And, on the other hand, "much study is a weariness to the flesh;" therefore a virtue is needed to overcome what stands in the way of a proper pursuit of knowledge.

We are not now reëntering the domain of intellectual virtues, for the good now presented to our notice is an act of desire—*sc.*, that a man have a right desire to apply his mind in this way or that, to this thing or that.

On the other hand, there is a vicious or idle *curiosity* ("*curiositas*"). The question is not of knowledge *per se*, which in itself is good, but of the desire and zeal to acquire it. This may be either good or perverted; first, when the evil accidentally attached to knowledge of the truth is the motive for seeking it, as when the motive is simply vicious pride. ("Knowledge puffeth up"—1 Cor. viii. 1). Or, again, when the knowledge is sought for in order to get more freedom in sin.

Secondly, there may be inordination in the desire itself. It may be turned from the useful and obligatory to idle or frivolous questions (1 Tim. i. 4; 2 Tim. iii. 7). It may be eager to learn something respecting the works of God while referring nothing to its due end; *sc.*, the knowledge of God

the price to the buyer, for in the contract of sale a good title to the thing was implied.

(Qu.: Suppose that he has sold at a profit, to whom does that profit belong ?)

The possessor mala fide—i.e., knowing that the thing is not his own—is bound to compensate the owner for every kind of loss, including profits, which might have been derived if the thing had remained in the owner's possession. There are various difficult cases of conscience in this regard, but the maxims given above will generally solve them.

If the thing unjustly possessed pass through various hands in bad faith, each person so receiving it is responsible for the whole.

The possessor in doubtful faith is bound to make careful inquiry. If this be done, and the title still remain in uncertainty, he may retain the thing with a good conscience; for "*melior est conditio possidentis*;" the presumption is in his favour, and other claimants to the thing must show a better title than his.

§ 4. Damnificatio.

Though unjust damage requires indemnification, yet the moral fault, which offends God, must be distinguished from juridical fault as resting on a sentence from a civil court. For the law will punish omission of due care if it cause loss, whether there has been any moral fault or not.

The unjust damager is bound to full restitution of the thing or its equivalent, and also of its profits; *e.g.*, if a house be burned, or if workmen lose time through your neglect, those who suffer loss must be indemnified for rent in the one case, for loss of wages in the other.

Conditions. (a) There must have been an unjust act of omission; (b) it must be the cause of the loss and morally culpable—*i.e.*, through foresight, intention, or criminal

fraud. Inadequacy of consideration, or hardship in fulfilling the contract, does not *per se* avoid a contract, unless fraud, or force, or want of understanding of it, be proved (Blackst. ii. 445). If a benefit accrue to him who makes a promise, or loss to him who accepts it, there is sufficient consideration.

(2) Civil law makes four species of contracts: (a) "*Do ut des*"—*e.g.*, a sale or loan; (b) "*facio ut facias*"—*e.g.*, marriage, or exchange of services; (c) "*facio ut des*," as in the case of employees; (d) "*do ut facias*," as in hiring workmen for wages.

(3) Distinguish, also, *express* contracts from *implied* ones; *e.g.*, in employing a person to do work, wherein is implied the contract "*do ut facias*;" or in buying goods without express stipulation concerning the price of them, implying the contract "*do ut des*." In morals, other examples may be found in persons accepting office with the implied contract of faithful fulfilment of its obligations.

Express contracts are formally manifested in words or other signs of consent. Implied agreements are "quasi-contracts," in which consent is only implied in suitable action. Thus, a physician, in the exercise of his art, is under what we may call a "quasi-contract" to use his utmost skill and to do all which his profession implies. Where there are social duties to be fulfilled, common law supposes an implied contract which can be enforced. "Implied contracts are such as reason and justice dictate, and which, therefore, the law presumes that every man has contracted to perform; and, upon this presumption, makes him answerable to such persons as suffer by his non-performance" (Blackst. iii. 159).

(4) Contracts are also either executed or executory *in futuro*, conveying a "*chose in action*."

Common law, also, divides them, and therefore divides debts, into (a) *parol contracts*, which, even if reduced to writing, require consideration, "*ex nudo pacto non ori-*

tur actio ;” (b) *sealed contracts*—i.e., deeds and covenants in which the seal is by common law supposed to be evidence of consideration, although some of the United States have altered this. A deed, also, is not affected by the statute of limitations as ordinary debts are, which are limited to six years, although minors and married women are exceptions to this rule. (Qu.: the moral obligation ?)

Also, since the object of the limitation is to bar forgotten claims where evidence has been lost, etc., any indirect acknowledgment of the contract will suspend the limitation.

(c) *Contracts of record* are judgments, recognizances, etc., and since they have the sanction or order of the court, there is no going back to defect in the original transaction except by writ of error.

§ 2. Requisites for a valid contract.

(1) There must be suitable matter—i.e., things and actions, or whatever falls under full dominion and free administration.

Conditions. (a) The matter must be physically and morally possible ; (b) it must be existent, or probable in the future (Qu.: contracts in “futures” ?) ; (c) it must be the property of the contractor ; (d) it must be licit, prohibited by no right, otherwise promises and contracts are binding neither in morals nor in law ; (e) it must be determinate in quantity and quality, an individual thing or act, etc. In morals we would be bound in this regard to consider the mutual understanding and intention.

(2) There must be a lawful *cause*. In bilateral exchange the cause is the obligation assumed by the other party. Causeless contract, or one based on false or illicit cause, is binding neither in morals nor in law.

(Qu.: Profits gained by a base contract ? See Part II., page 226.)

(3) There must be a *capable subject* of the contract. He

must be in possession of his reason, and not hindered by any law.

The contracts of wives, minors, drunken persons, etc., are ruled by the common law. But, by the law of nature, the contracts of those who are morally responsible may be binding on conscience when by human law, which looks to the universally expedient, they are not so binding. I mean that if the contract have been to his injury, one may conscientiously use the protection of the law; but he may not benefit himself by his contract, and then shelter himself thus (Duct. Dubitant. II. i. rule 5, § 4).

In common law the contract of an infant is voidable; i.e., it is void if the court find it injurious; otherwise it may be avoided when the minor reaches full age, or he may enforce it on the other party. His contract for necessities is binding on his guardian. But when a reasonable sum has been allowed for an absent child's expenses, a parent is not liable for his extravagant expenditure.

A minor is not legally responsible if he borrow money, but he is answerable for his "torts" in that or any other matter.

(4) Common law requires legal proof of contracts; but they are equally binding on conscience when there is no legal evidence (Duct. Dubitant. II. i. rule 5).

(5) *Legitimate consent* must be manifested outwardly, but it must also be inward and it must be mutual. Even if the contract be gratuitous, there must be an acceptance of it.

Consent, also, must be free and deliberate. An imperfect act cannot produce perfect obligation.

Suppose that a fictitious contract is made, one of the parties to it having no intention of binding himself, or of fulfilling the stipulations of the contract. Although, properly speaking, there may be no contract, because there has been no true inward consent, yet the deceiver is bound in conscience to indemnify the deceived in all damages

incurred ; and, if he cannot otherwise do so, to stand by his nominal contract. (*Vid. infra*, fictitious marriage.)

In law and in morals a contract made by an agent within the limits of his authority is completed by his act. But, for legal purposes, distinguish herein general from special agents. The principal acquires the resulting rights and incurs the resulting obligations.

Silence gives consent in the case of a contract if the matter be favourable to the silent party. But saying to some third person that you make a contract with one who is absent is not legally making it.

§ 3. Defects in consent.

Error, fraud, force, and fear, under certain conditions, avoid a contract.

(1) *Error* is (a) with reference to the matter or thing involved in the contract ; (b) with reference to the nature of the contract itself—*e.g.*, renting, selling, etc. Every such error annuls the contract even if, the error having been discovered, the contract have been entered on, unless there has been a renewal of it. For the parties must have assented to the same thing in the same sense ; otherwise there was no contract. This is true both in morals and in law.

(c) Error respecting the qualities of a thing does not usually void the contract if there be no evidence of fraud. The general rule is, "*caveat emptor*." But the quality may be virtually a part of the essence of the thing ; *e.g.*, in buying a horse, his having some defect which ordinary vigilance cannot discover. In such a case the previous principles will apply.

In gratuitous contract, also—*e.g.*, subscription for a charitable object—error of this kind voids the contract ; for this supposes a fully voluntary act in despoiling one's self without any return for so doing.

(d) Error respecting the person does not usually avoid an onerous contract, except in the case of matrimony.

(c) In morals, not in law, error respecting the motive, if that be the final end sought for, invalidates the contract, for it affects the substance of it; *e.g.*, subscribing to what is reported to be in need when such is not the fact.

(2) *Fraud* is cause of nullity in a nominal contract when without that fraud there would have been no contract made. This means that (a) the fraud must be material to the contract; that (b) the fraud works actual injury whether the statement be literally true (*e.g.*, stating that property in question is worth so much, when it is heavily mortgaged), or be known to be false when the statement was made; and (c) that the injured party relied upon the fraudulent statement, and had a right to rely upon it. Thus was created a special trust. A false and even injurious statement believed to be true by the person who makes it is not a legal or moral fraud. (See, further, § 5, Sales.)

(3) *Fear* is grave or light, produced from an intrinsic or an extrinsic cause, necessary or free, just or unjust, produced in order to compel the contract or otherwise. All sorts of fear greatly disturbing the reason of a well-governed rational man invalidate a contract; if they be not so great as to amount to that, they do not avoid a contract. *Force*, also, moral or physical, is in effect the same. If a contract be made with one who takes wrongful advantage of necessities, or uses actual and extreme violence or threats producing well-grounded apprehension of such violence, that contract is voidable in law.

(Qu.: Suppose that the force or fear is for just cause, what is the moral obligation of the contract?)

In gratuitous contracts, however, fear or force counts for more than it does in onerous contracts.

The obligation of the contract is to all things fairly implied in it, and not merely to the letter of it. The obligation is not created or the contract made binding by an oath

if the contract be *per se* invalid; and the oath is void if it cannot be kept without sin.

§ 4. Gratuitous contracts.

(1) A *promise* is a gratuitous contract in which one freely and spontaneously obliges himself to give something gratuitously to another, or to do or to omit something in his favour.

Conditions. (a) There must be at least the implied will of obligating one's self; (b) the promise must be free from all error and fraud respecting the thing and the final cause of it, from all compulsion and fear, even though they be just; (c) the promise must be outwardly given and accepted.

Note, therefore, that simple promises usually express merely the purpose of the promiser, and, if all these conditions be not present, the promise may be revocable.

The promise (Whewell's *El. Moral.* III. xv. 377) is to be interpreted like any other contract, not only by the intention of the promiser, but also by the sense in which, without amphibology, he at the time believes that it is accepted. This makes the mutual understanding, the implied contract.

If the conditions on which the promise is made be unfulfilled, the promise is null, for he that accepted it was bound to do so subject to those conditions.

Unlawful promises were void *ab initio*; it is an added sin to fulfil them. Here may arise a seeming conflict of duty, for the promisee appears to have a claim on the promiser. But we must apply the rules for a perplexed conscience, and the promiser's conscience is to be the judge herein. Fear and force have been already considered.

Note that a promise without consideration is not binding in common law.

(Qu. 1. Promising the less worthy candidate that you will vote for him ?

Qu. 2. A promise of marriage, carelessly made, and therefore a sin—should it be kept ?)

(2) *Donation* includes (a) *testament*. This requires capacity to give *de facto* and *de jure*, and also ability to receive on the part of the recipient. Infants, etc., however, may receive through *guardians* ; but to non-existents in general no testament is valid ; and since in some States a legacy cannot be left to uncertain persons, or to a charitable object apart from an existing corporation, the remedy is to appoint definite trustees, which should be done in all cases.

The limits of age in the capacity to bequeath, as well as of title to receive in other than the natural heirs, etc., are fixed by the laws of the State. (*E.g.*, in New York males must be eighteen years of age, and females sixteen, before they can make a valid testament.)

Observe, as a caution for the priest, the objection in common law to the attending physician or priest or lawyer's receiving a legacy. Note that witnesses ought not to be beneficiaries under a will.

Every natural heir on succeeding to his inheritance ought to make allowance for what he has previously received by gratuitous donation. Civil law may seem to contravene the law of nature in requiring legal formalities for a valid testament, but such formalities must be viewed as necessary for the security of society. But if the will of the testator were just and clearly expressed, conscience, says Bishop Taylor (*Duct. Dubitant. II. i. rule 5, § 7*), is not released from its obligation. This assumes that the rights of property extend beyond the owner's death. But if, on the other hand, man have not the natural right to direct the succession to his property, such succession is strictly subject even *foro conscientiæ* to the law of the land (*Blackst. ii. 13*).

But, again, if the heir accept the testament and act under it, does he not do so subject to all the testator's conditions, even informal ones ?

In cases of doubt, the law must decide, and the general rule applies, "*beati possidentes*."

(b) *Gift*. In common as well as in civil law there must be actual delivery or else a deed of gift. Anything else would be construed as a mere promise, for the only valid donation is *in presenti*. Without delivery of the gift there is merely a contract *in futuro*, which requires a consideration.

Conditions. (a) The gift must not be prejudicial to creditors; (b) the donor must be competent to give, *e.g.*, of sound mind at the time; and (c) not circumvented by false pretences, surprise, or inebriety. Any of these defects will void in law and in morals even a deed of gift. Gifts are either "*causa mortis*," which come nearer to testaments, or "*inter vivos*." The former are revocable in the life-time of the donor, if he recover, even after delivery; not so the latter.

(3) "*Bailment*;" *loans and borrowing*. Civil law makes various classes of bailment, which more or less affect moral and legal responsibility in the matter.

(a) "*Commodatum*" is a gratuitous contract by which a thing is granted for the sole use of the "bailee" during a certain time, with the obligation of restoring that thing at the expiration of the appointed time. If revocable at the pleasure of the "bailor," it is called "*precarium*."

(b) "*Mutuum*" is also a gratuitous loan, but the thing being perishable, a similar thing is to be returned. *Money-lending* would be an example of *mutuum* if, as in former ages, interest were illegal and held to be morally wrong.

These are ordinary forms of borrowing. But in the former the bailee has no dominion over the thing; he cannot loan or rent it, and if it be stolen or lost he must give full recompense to the owner, unless he can prove extraordinary care (Instit. iii. tit. xiii.). If the injury have occurred despite all such precautions, he is not morally bound for

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In gratuitous contract, also—*e.g.*, subscription for a charitable object—error of this kind voids the contract ; for this supposes a fully voluntary act in despoiling one's self without any return for so doing.

(d) Error respecting the person does not usually avoid an onerous contract, except in the case of matrimony.

(c) In morals, not in law, error respecting the motive, if that be the final end sought for, invalidates the contract, for it affects the substance of it ; *e.g.*, subscribing to what is reported to be in need when such is not the fact.

(2) *Fraud* is cause of nullity in a nominal contract when without that fraud there would have been no contract made. This means that (a) the fraud must be material to the contract ; that (b) the fraud works actual injury whether the statement be literally true (*e.g.*, stating that property in question is worth so much, when it is heavily mortgaged), or be known to be false when the statement was made ; and (c) that the injured party relied upon the fraudulent statement, and had a right to rely upon it. Thus was created a special trust. A false and even injurious statement believed to be true by the person who makes it is not a legal or moral fraud. (See, further, § 5, Sales.)

(3) *Fear* is grave or light, produced from an intrinsic or an extrinsic cause, necessary or free, just or unjust, produced in order to compel the contract or otherwise. All sorts of fear greatly disturbing the reason of a well-governed rational man invalidate a contract ; if they be not so great as to amount to that, they do not avoid a contract. *Force*, also, moral or physical, is in effect the same. If a contract be made with one who takes wrongful advantage of necessities, or uses actual and extreme violence or threats producing well-grounded apprehension of such violence, that contract is voidable in law.

(Qu.: Suppose that the force or fear is for just cause, what is the moral obligation of the contract ?)

In gratuitous contracts, however, fear or force counts for more than it does in onerous contracts.

The obligation of the contract is to all things fairly implied in it, and not merely to the letter of it. The obligation is not created or the contract made binding by an oath

if the contract be *per se* invalid; and the oath is void if it cannot be kept without sin.

§ 4. Gratuitous contracts.

(1) A *promise* is a gratuitous contract in which one freely and spontaneously obliges himself to give something gratuitously to another, or to do or to omit something in his favour.

Conditions. (a) There must be at least the implied will of obligating one's self; (b) the promise must be free from all error and fraud respecting the thing and the final cause of it, from all compulsion and fear, even though they be just; (c) the promise must be outwardly given and accepted.

Note, therefore, that simple promises usually express merely the purpose of the promiser, and, if all these conditions be not present, the promise may be revocable.

The promise (Whewell's *El. Moral.* III. xv. 377) is to be interpreted like any other contract, not only by the intention of the promiser, but also by the sense in which, without amphibology, he at the time believes that it is accepted. This makes the mutual understanding, the implied contract.

If the conditions on which the promise is made be unfulfilled, the promise is null, for he that accepted it was bound to do so subject to those conditions.

Unlawful promises were void *ab initio*; it is an added sin to fulfil them. Here may arise a seeming conflict of duty, for the promisee appears to have a claim on the promiser. But we must apply the rules for a perplexed conscience, and the promiser's conscience is to be the judge herein. Fear and force have been already considered.

Note that a promise without consideration is not binding in common law.

(Qu. 1. Promising the less worthy candidate that you will vote for him ?

Qu. 2. A promise of marriage, carelessly made, and therefore a sin—should it be kept ?)

(2) *Donation* includes (a) *testament*. This requires capacity to give *de facto* and *de jure*, and also ability to receive on the part of the recipient. Infants, etc., however, may receive through *guardians*; but to non-existents in general no testament is valid; and since in some States a legacy cannot be left to uncertain persons, or to a charitable object apart from an existing corporation, the remedy is to appoint definite trustees, which should be done in all cases.

The limits of age in the capacity to bequeath, as well as of title to receive in other than the natural heirs, etc., are fixed by the laws of the State. (*E.g.*, in New York males must be eighteen years of age, and females sixteen, before they can make a valid testament.)

Observe, as a caution for the priest, the objection in common law to the attending physician or priest or lawyer's receiving a legacy. Note that witnesses ought not to be beneficiaries under a will.

Every natural heir on succeeding to his inheritance ought to make allowance for what he has previously received by gratuitous donation. Civil law may seem to contravene the law of nature in requiring legal formalities for a valid testament, but such formalities must be viewed as necessary for the security of society. But if the will of the testator were just and clearly expressed, conscience, says Bishop Taylor (*Duct. Dubitant.* II. i. rule 5, § 7), is not released from its obligation. This assumes that the rights of property extend beyond the owner's death. But if, on the other hand, man have not the natural right to direct the succession to his property, such succession is strictly subject even *foro conscientie* to the law of the land (*Blackst.* ii. 13).

But, again, if the heir accept the testament and act under it, does he not do so subject to all the testator's conditions, even informal ones ?

In cases of doubt, the law must decide, and the general rule applies, "*beati possidentes.*"

(b) *Gift.* In common as well as in civil law there must be actual delivery or else a deed of gift. Anything else would be construed as a mere promise, for the only valid donation is *in presenti*. Without delivery of the gift there is merely a contract *in futuro*, which requires a consideration.

Conditions. (a) The gift must not be prejudicial to creditors; (b) the donor must be competent to give, *e.g.*, of sound mind at the time; and (c) not circumvented by false pretences, surprise, or inebriety. Any of these defects will void in law and in morals even a deed of gift. Gifts are either "*causa mortis*," which come nearer to testaments, or "*inter vivos*." The former are revocable in the life-time of the donor, if he recover, even after delivery; not so the latter.

(3) "*Bailment*;" *loans and borrowing.* Civil law makes various classes of bailment, which more or less affect moral and legal responsibility in the matter.

(a) "*Commodatum*" is a gratuitous contract by which a thing is granted for the sole use of the "bailee" during a certain time, with the obligation of restoring that thing at the expiration of the appointed time. If revocable at the pleasure of the "bailor," it is called "*precarium*."

(b) "*Mutuum*" is also a gratuitous loan, but the thing being perishable, a similar thing is to be returned. *Money-lending* would be an example of *mutuum* if, as in former ages, interest were illegal and held to be morally wrong.

These are ordinary forms of borrowing. But in the former the bailee has no dominion over the thing; he cannot loan or rent it, and if it be stolen or lost he must give full recompense to the owner, unless he can prove extraordinary care (Instit. iii. tit. xiii.). If the injury have occurred despite all such precautions, he is not morally bound for

the loss, but the question will be one of civil law as well as of morals.*

In *mutuum*, also, the borrower being solely benefited is bound in case of accidental loss. A *quasi* contract of this kind is a loan made to a minor, which cannot be recovered in law. So, also, if a payment be made to him when it is not due.

(c) "*Depositum*" is a gratuitous contract where the benefit is solely on the side of the bailor, as when valuable papers are left in care of a banker. Imperfect dominion is given, —i.e., of the thing, not of its use. The bailee is bound *in re*—i.e., he must restore the thing as it was with all its increase, if any there be; but he may in good faith deliver it to another who claims and is believed to be the rightful owner. He is only answerable for his fraud, or for gross negligence in the care of it. If loss occur otherwise he is not morally answerable for that loss.

Similarly, if one find property, he is not bound in justice to take charge of it; but if he do so, he becomes a depositary, and must use the same care as if the thing were his own, and he is answerable for gross negligence.

(Qu.: A lawyer has gratuitous charge of his client's funds; by forged endorsement they are withdrawn from the bank; which, if either, is answerable for the loss? I answer, probably the bank, as having an onerous contract, deriving profits, and being bound, therefore, to use the greater care.)

(d) A *pledge* binds *in re*, and the bailee (e.g., a pawnbroker) is bound to use ordinary care, for the benefit is supposed to be on the other side. So, he is not answerable if the thing be stolen from him.

(e) "*Mandatum*" is a gratuitous commission where the

* A very conspicuous and interesting case of *commodatum* is that of Carlyle's lending to J. S. Mill the first ms. volume of the French Revolution, if this were done simply for Mill's gratification. But how did the loss of the ms. occur? If it were due to the negligence of Mill's servant, the sending of the £200 was an act of justice.

ward obedience with a willing mind, both in public and in private (Col. iii. 23).

In the authority to make laws is implied not only the laying down deductions from the law of nature, but also the binding on conscience things otherwise indifferent, "positive laws" (Duct. Dubitant. III. i. rule 1, § 13).

Conditions requisite in the law-maker are : (a) the authority must be competent to make a law ; (b) the matter must not transcend the limits of the authority, *e.g.*, religion and conscience in the case of civil law, the secular life in the case of ecclesiastical law (Qu.: Has the state authority to make laws respecting education ?) ; (c) the law-maker must not be legislating for the advantage of a clique, "or trust," or for other undue ends.

Conditions requisite in human law. The thing commanded must be (a) possible ; (b) not immoral, for human laws are not obligatory if they are not just and good, *i.e.*, if they violate the higher law of nature ; (c) useful to the community (1 Tim. ii. 2) ; (d) not unequal in application to the subjects of the law (Duct. Dubitant. III. i. rule 3 ; Sanderson's Praellect. v. § 7) ; (e) permanent and universal, not a "*privilegium*" ; (f) promulgated, not an "*ex post facto*" law (Duct. Dubitant. III. i. rule 6), for the subject of the law must have opportunity of knowing it if he will. Otherwise there may be a civil offence, but there is no sin, because the ignorance is invincible ; and invincible ignorance, like physical or moral incapacity, excuses violation of law. This applies even to the Gospel law (S. John xv. 22). (Qu.: Does positive law, if unequal, bind in conscience ? Sanderson's Praellect. ix. §§ 9-11.)

What was said (Introduct. page 133), that human law is not binding when *per accidens* serious injury will result and no manifest good will come from it (see also Sanderson's Praellect. vi. 8), is also true of Divine positive law (Duct.

Dubitant. III. i. rule 2, § 8), but not of the law of nature. But the principle applies equally to civil and ecclesiastical law ; *e.g.*, promises of aid to the Church, if meanwhile relatives fall into need ; rubrics of the Church, etc.

The application of law, *e.g.*, judicial sentence, founded on false presumption of fact, does not bind conscience. (Qu.: What means may be used to escape from the law ?)

But in all these cases, *per contra*, scandal must be avoided.

To justify evasion, (*a*) the matter must be serious ; (*b*) the injustice certain ; (*d*) the law must be against the public good, not merely inconvenient for the individual.

Interpretation of the law may be by (*a*) the legislator himself ; (*b*) by experts, *e.g.*, judges ; (*c*) by custom. Words are to be taken in their ordinary and usual meaning if nothing absurd or unjust follow. In doubt consider (*a*) the intention of the legislator ; (*b*) the object of the law ; (*c*) the concomitant or subsequent circumstances (Duct. Dubitant. III. vi.).

Penal law is to be narrowed as far as possible, and not to be extended to parallel cases ; favourable law, on the other hand, is to be amplified by "parity of reasoning."

Laws also founded on the law of nature, *e.g.*, the fifth commandment, extend to all cases which are similar, or have equal or similar reason, when such is the law's evident intent (Duct. Dubitant. III. vi. rule 3, § 24).

On equity see Part III. page 397.

Human law loses its force (*a*) when it is formally abolished ; (*b*) when the motive for its establishment comes to an end (Duct. Dubitant. III. vi. rule 3) ; (*c*) through desuetude, implying tacit consent of the law-maker (Qu. Canon law ?). But when the end does not apply in special cases, those cases are not released from the obligation of the law (*ib.* § 4).

On *Dispensation* the rigorist view will be found in Sander-son, *De Jur. Oblig.*, vii. § 3. But see, *per contra*, the case of rash vows as treated by him.

§ 3. Ecclesiastical law.

This directs the Church for the common spiritual good and for eternal beatitude. The authority to make laws which bind conscience is implied in the existence of a divinely instituted society ; Christian sects cannot possess it. And, conversely, the existence of such Divine laws implies the existence of one visible and apostolic Church (S. Matt. xvi. 19, xxiii. 2 ; S. Luke x. 16 ; S. John xx. 23 ; Heb. xiii. 17).

When the old law, ceremonial and judicial, was abrogated, the natural—the moral—law remained unchanged and unchangeable. But while the new (the evangelic law) makes the remote deductions from the law of nature become clearer, its peculiar characteristic is that it is a law of love and grace—the law of a supernatural life (Sander-son's *Praelect.* iv. 26, 32).

It is (a) moral, including the three theological virtues ; (b) ceremonial, *e.g.*, the Holy Eucharist ; (c) a law of counsels of perfection (see *Introd.*, page 151).

Positive laws of apostolic origin, *i.e.*, of purely external order, are binding only so far as the Church has perpetuated them ; *e.g.*, concerning eating blood and things strangled ; widows of four-score ; women speaking in church ; the uncovered head in church ; bishops not novices (S. Ambrose), etc. *A fortiori*, this principle will apply to primitive canons.

§ 4. Civil law.

Civil law directs earthly societies to the common good of such communities. It is (a) the Roman law (the civil law in narrower sense of the word), based on Justinian's Code, the Institutes (elements), the Digest or Pandects, and the Novellæ ; it is (b) the unwritten law of the Teutonic races,

on which are based the decisions of courts, thus originating the common law ; * and (c) it is enactments of the legislatures of the state or the nation, which have sometimes boldly deviated from the common law.

The aim of civil law being the temporal good of the community, that good may require the toleration of moral evil ; *i.e.*, like the law of Moses, it may overlook certain forms of evil which are not inconsistent with the preservation of society. (See *Intro.*, page 129.) Or, again, though not prohibited, they may be put under such regulations as reduce them to the narrowest possible limits ; *e.g.*, high license for the sale of distilled liquors ; gambling-houses ; stews under the Papacy (Sand. *Prælect.* vi. 18).

(May not a "license" for such things be viewed as an annual fine ?)

Within its due limits civil law is binding on conscience, but ceases to be so if it be allowed to fall into desuetude. This, of course, is not true if the law be intrinsically bad ; for whatever is certainly forbidden by the law of nature cannot be enjoined by civil law, and whatever the law of nature commands—*e.g.*, the care and education of children—cannot be taken away or forbidden by the civil law which is only indirectly Divine (Duct. Dubitant. II. i. rule 10). But although civil law may not interfere with natural duties, it may restrain natural rights (*ib.* § 5).

Laws "purely penal" bind conscience only to the penalty ; *i.e.*, a right conscience may choose between obedience and submission to the penalty, *e.g.*, "Five dollars fine for" etc. But "mixed penal" laws bind to obedience, and not

* Civil and canon law, although they do not always agree between themselves, came into conflict with the common law in England, especially under King Stephen (12th cent.), when the civil law was brought thither. *E.g.*, in the question of the legitimation of bastards, the canon law mercifully allows it upon the marriage of the parents ; but the laity in Parliament said, "*nolumus Angliæ leges mutare*" (Blackst. *Intro.* page 19).

merely to a penalty for disobedience. If the penalty be just, that binds conscience after sentence, not before ; *i.e.*, we are bound to yield to that penalty and not evade it (Sand. Praelect. viii. 17, 24).

Unwritten law, or *custom*, under due conditions can obtain the force of law, abrogate, modify, or interpret old law. (See S. Aug. quoted in Duct. Dubitant. II. iii. 19.)

The requisite *conditions* are : (*a*) the custom must be good, and useful to the community ; (*b*) it must rest upon repeated, voluntary, and public acts of the community, implicitly intended as binding ; (*c*) the custom must have been long continued, without authoritative protest.

Custom under law certainly aids in its interpretation (Duct. Dubitant. III. vi. rule 6) ; but if it be plainly against the law, the law prevails, although the tacit consent of the law-makers may make that contrary custom a virtual revocation of the law, if it be revocable. No custom, however, can change laws which in their nature do not admit of change.

CHAPTER III

SUPPLEMENTARY NOTES ON THE TEN COMMANDMENTS.

THE Divine law in its primary applications, as given in the Ten Commandments, has been so fully presented in our text from S. Thomas Aquinas that only a few words of practical application need be added. But the student will not overlook that admirable expansion of those commandments, so serviceable also for self-examination by them, which is contained in the Church Catechism.

The First and Second Commandments concern faith, holy fear, love and worship towards God. (See Part III., page 399.)

On the sin of *simony*, Jesuitical distinctions concerning it, and the making pay a motive for the priest's work, see the twelfth Provincial Letter of Pascal, with the defence of it, usually appended to "*Les Provinciales*." The test for conscience may be to ask how the work is done. Is it with equal zeal, labour, and love where no earthly recompense can be expected?

On the *Third Commandment*, see Part III., page 399. "*Curses*," "*swearing*," as ordinarily heard, need not be always regarded as mortal sin in themselves, for charity will presume that there is absence of intention. Commonly, among us, at least, they may be indications of a profane spirit, and habits of other and mortal sins. But in this matter it would not be wise to overlook the very different associations of different classes, and the very different customs of different European nations.

In oaths, assertory or promissory, there must be lawful matter; otherwise they create no obligation. Furthermore,

the implied conditions in a promissory oath are (*a*) that no serious injury will be done in observing it ; (*b*) that there shall be no serious change of circumstances ; (*c*) that the other party shall observe his pledge also ; and (*d*) that he will not give up his claim to the fulfilment of the oath. Perjury, in common law, is crime only in judicial proceedings, and in what is material to the case in question (Blackst. iv. page 137).

The Fourth Commandment. Giving time for Divine worship is a law of nature. But since the ceremonial law of ancient Israel has been abolished, the observance of Sundays, together with other feasts and fasts of obligation, rests upon positive ecclesiastical law (Duct. Dubitant. II. ii. rule 6). Such law is found in canons 13, 14, and 15, §§ 43, *et seq.*, of 1603 (respecting “the Lord’s Day, commonly called Sunday, and other holy-days,” . . . “such days as are appointed to be kept holy by the book of Common Prayer,” etc.), and title i., canon 18, of the American Church. The law is (*a*) affirmative, as in these canons ; *i.e.*, binding under due conditions. Grave injury to body or soul is full excuse from the outward obligations of such a law ; *e.g.*, for harvesters in case of need ; the sickly and nurses of the sick ; travellers on long voyages by land or sea ; those who are engaged in cooking, mothers in charge of infants, and domestic servants ; those who reside at great distance from church, etc., etc.

(*b*) The law is negative in requiring abstinence from unnecessary servile work. But to this must in practice be added the obligation of abstaining from what causes scandal, especially where Judaizing notions are prevalent, and from what tends to sin, seeking what promotes spiritual edification.

With this limitation, it cannot well be maintained that liberal works or recreations of any honest sort are prohibited by the law. At the same time, we have no right, under the law of charity, to make our recreations a cause of servile work and of the neglect of holy time on the part of others.

The common servile work, duly limited in respect of time, such as cooking, sweeping, etc., is not a violation of the law. Servile work, also, for charity or piety is to be admitted without hesitation.

The Fifth Commandment. (See Part III., page 363.) The honour due to a father and a mother here stands for the various obligations which spring from the natural relations of human life. These are considered in various parts of our Moral Theology, and need not be now repeated.

But let us add respecting *children*, that in the choice of a work for life, as well as in the choice of a partner for life in life's duties, they are not subject to their parents' will, because these are the appointed and natural means of their reaching the ultimate end of their existence. They are to serve God and do their duty "in that state of life unto which it shall please *God*," not their parents, "to call them." But the law of nature, as well as the common law, is not to be overlooked, which requires that in their work for life they shall not forget to provide for the support of aged parents in their time of need.

Parents also have a negative on their children's choice, at least until full maturity is reached. And this will apply equally to the choice of Holy Orders as life's work, or to the "religious" life for girls.

(Qu.: The child is converted, and parents oppose the receiving of the Christian sacraments?)

Parents may violate this commandment by their neglect of spiritual instruction and training, and of moderate correction.

(Qu. 1. Suppose that husband or wife is an infidel and opposes those necessary things—*e.g.*, Holy Baptism—which are the blessings of children? Also, that the other parent devoutly seeks for the same?)

Qu. 2. May parents lawfully commit the care of their children to heretical schools?)

The *husband's* special sins are neglect of his wife, tyranny towards the weaker partner, dissipating funds which are needed for family expenses.

The *wife's* special sins are lack of Christian submission (Col. iii. 18), irritating words, "scolding," needless provocation in general, exposing the husband's faults, etc.

Caution : Let the priest beware of lending a ready ear to a wife's complaints, which many are so ready to pour into a pastor's ears, and of taking part in family quarrels, because there is usually fault on both sides ; *e.g.*, among many, exasperating a drunken husband by "nagging" words instead of meeting him with patience and forgiveness.

If the husband be negligent in providing for his family, the wife may justly expend, out of the common income, what is suitable for her station in life, what is necessary for children, and other domestic expenses. If, through the husband's excesses, the family's support be endangered, she is not morally obliged to consult him in her action.

(Qu. 1. Debts are due at the husband's death, and she also and her little children must be provided for ; which has the prior claim ?

Qu. 2. May investments be withdrawn from business, and released from claims of creditors, for her benefit ?

Qu. 3. Can parents justly cut off children, in case of a runaway match, from all inheritance, and expel forever from the family ?)

The master's and employer's special duty is to make prompt and just payment, and to see that due time is provided for spiritual improvement, and for recreation. The servant's and employee's duty is to avoid slovenly work, work for self in hours which belong to the other, and using unlawfully, selling, or giving away that other's goods.

(Qu. : Suppose that the servant or employee leave before the stipulated time expires, what is the moral obligation ?

Certainly, if loss ensue thereby, there is no claim for pay; but suppose no serious loss?)

The Sixth Commandment. (See Part III., page 297.) This, of course, includes the grave sins of hatred, dissension, etc., which find their consummation in the malicious taking of human life. The law of nature is repeated in Revelation (Gen. ix. 6), "Whoso sheddeth man's blood, etc., for in the image of God made He man."

But God, by His agents, may demand the life which He has given (Rom. xiii. 4, the ideal of civil government).

Lynch law, therefore, in organized society is murder.

Divine law, however, does not forbid, and human law makes it lawful, to protect one's own life and what is necessary to life, even at the cost of the life of the aggressor—*e.g.*, the burglar—provided that no other means will serve the purpose. Charity may demand the same course in defence of one's neighbour against the unjust aggressor.

Manifest limitations of this natural right are: (1) He who takes what is not necessary to life is not lawfully killed; (2) no such injury shall be done after the aggression. That would be revenge, not lawful defence (Blackst., iii. page 3).

Common law accords so strictly with the spirit of this commandment that it may be well to note its distinctions. Homicide is—

(1) *Justifiable* in order to save life or limb, but not universally in order to save property. Special cases under common law, making homicide justifiable, are, (a) in case of arrest for felony, the accused taking flight or resisting; but it is murder to kill a felon without due process of law; (b) if a house be broken into for robbery at night (day-time also, New York), or if an attempt be made to burn it; (c) in defence of chastity, either by the woman or her relatives (Qu.: her neighbour?), but not in case of a woman taken in adultery, for there violence is absent; (d) in case of attack

threatening grave injury, with clearly felonious intent (Blackst., iv. pages 178, 181, 184).

(2) *Excusable homicide* is in case of attack threatening grave injury, if no means of escape—*e.g.*, retreat—be present. But if the affray be over, or the assailant running away, homicide is criminal revenge. Husband and wife, parent and child, may use the same means in general for one another (page 186).

(3) *Manslaughter* is homicide: (a) voluntary, but through sudden passion; (b) involuntary, but while doing any unlawful act.

Attempt at murder is not judged so gravely in common law as in morals (except poisoning, in England; Blackst., page 196); it is only on a par with manslaughter. Killing another instead of the one intended is equally murder in law.

An act dangerous to others, even when care is used, may result in the sin of homicide. It is the same sin for the physician to shorten human life for the purpose of avoiding suffering. Abortion is homicide, but the mother's life may be saved by what is injurious to her offspring.

(Qu.: Killing it to save the mother's life—can one life be taken, when it will be certainly lost, in order to save another?)

Defensive war is lawful, for the life of the state is more precious than that of the individual; therefore all that is essential to war is also lawful. Stratagems are lawful, except those which no prudence can avoid. If the innocent necessarily suffer in sedition, riot, or war, that is not intended, and there is no sin in the result.

Suicide, as we have seen (Part III., page 299), is sin against nature, for though man has direct dominion over his body, it is only "*dominium utile*," received from God and to be accounted for.

Since *suicide* is also a crime against society, it is murder

by common law, and the adviser of it is guilty of manslaughter (Blackst., iv. page 189). The only admissible question in determining the guilt of it is, as in any other case, did the person at the time know right from wrong? Beware of the sentimental sympathy which condones the crime.

(Qu.: The priest is expressly forbidden to use the burial service in such a case. What should he do if called upon?)

But exposure of life for a good end is lawful; *e.g.*, in war, the blowing up of a vessel with imminent danger to self. The end sought for is not self-destruction.

There is no moral obligation of extraordinary—*e.g.*, surgical—means to preserve life. On the other hand, immoderate asceticism, if it injure bodily health, is unlawful, even if the aims are good.

The Seventh Commandment has been fully discussed in Part III., Chapter VII. Only a few words, therefore, need be added.

Questions connected with it require the utmost caution, both personal and official, because the soul's desires are soonest reached through the imagination.

The Gospel law is given (Gal. v. 19–21), forbidding inordinate (not merely excessive) acts of impurity, gluttony, intemperance; in the Tenth Commandment are forbidden the corresponding desires, imaginations, and other proximate causes of temptation to outward acts of sin (S. Matt. v. 28; Eph. iv. 29).

(1) *Luxuria*, lust, is against nature's primary law, because the appetite is given for the continuance of the human race, and the creation of the family society (Gen. ii. 18).

Proximate causes, which may become mortal sin, are kisses, even touches, exciting novels acting on the imagination, obscene speech (sometimes venial), obscene songs.

Voluntary *self-pollution*, so prevalent among the young, must be approached most cautiously, for fear of suggestion.

The prevalent sin of avoiding the ends of matrimony,

mortal as it is, can only be treated in the most general way, by frequent iteration of the ends of this Divine institution (1 Cor. iii. 17).

(2) *Sensuality* is inordinate gratification of the five senses, especially taste.

(Qu.: Is gratification, purely as such, wrong?)

Temperance in eating, drinking, sleep, recreation, apparel, are alike commanded. In general, such moderation is commanded as will favour the best condition of our souls. Beyond this, asceticism is matter of counsel, or charity, in avoiding scandal of the weak.

Note that sins against the body may produce bodily disease, and demand bodily remedies.

The Eighth Commandment is against unjust acts; *the Tenth* against unjust desires. (See chapters on Right and Justice, on Injury, and on Contracts.)

The Ninth Commandment forbids (a) perjury, as a sin against justice and against our neighbour; then (b) lying, for the same end; (c) slander; (d) calumny; (e) detraction; (f) rash judgment; (g) injurious suspicion. (See Part III., page 311 *et seq.*)

Lying. The Gospel law seems to be explicit: "Putting away lying, speak ye truth each one with his neighbour; for we are members one of another" (Eph. iv. 25). But what is lying? We can only answer, it is false speaking or acting with intent to deceive (S. Aug., *De Mendacio*, *Contra Mend.* c. iii.). It is not a material falsehood, for he may lie who speaks the truth when he thinks that it is not true. Lying, formally, is the wish, the will to deceive, enunciated in any manner whatsoever, whether by word or gesture, by equivocation or mental reservation. "He lies who has one thing in mind and enunciates another in any way. For the lying and the not lying are to be judged from the intention

of the mind." The enunciation of what is known, believed, or supposed to be untrue, is only the "material" part. The essence of truth is not in the uttered words, but in the mutual understanding. Therein lies the obligation of truth, "for we are members one of another."

The Jesuitical distinction, making lawful "partial mental restriction" and equivocation, seems to be corruptive of sound morals. Such casuistry says that since the other has no right to know the truth he may be allowed to deceive himself respecting your enunciation. The answer is that he has a right not to be told a lie even indirectly, for "we are members one of another." A true man will say, "You have no right to an answer," and bear the consequences. Evasion is no lie; amphibology is a lie in intention (Whewell's *El. Moral.* iii. 393, *seq.*).

Is a useful lie (mendacium officiosum) a sin? Bishop Taylor justifies it (*Duct. Dubitant.* III. ii. rule 5, qu. 1, §§ 9, 11, 13).^{*} But, on the rigid side, consider the arguments presented by S. Aug., *Cont. Mend.*, c. v.: (a) Holy Scripture seems to condemn *all* lying (Ps. v. 6; S. Matt. v. 37; Eph. v. 25; Rev. xxii. 15). The deceit of S. Peter is rebuked (Gal. ii. 12). (b) Not even to save earthly life is life eternal to be risked by sin. (c) Nor to preserve chastity, for the purity of the soul is more precious (c. vii.). (d) Nor in the hope of benefiting others spiritually; for how can religious trust be put in one who will lie for a good cause? (c. viii.). (e) Nor to prevent others from doing us an injury (c. ix.). Lighter sins are not to be done in order to save others from greater sin; we choose neither of them; we condemn both. Each one must answer for his own sin (c. xiii.). Sin is not to be measured by temporal consequences. The Divine command (Rom. vi. 13) is, "Present not your members unto sin as instruments of unrighteousness;" and the tongue is such a member. If

^{*} See, also, Scott's comment on the case of Rahab, Josh. ii. 5.

we may use it for a falsehood with good intention, why not any other member ?

S. Thomas Aquinas (see page 381 *et seq.*) shows that *mendacium officiosum* is always a sin, even if it be a venial one. If so, like other venial sins, it aids in forming a *character* ; and it is an easy step downwards to *mendacium perniciosum* ; *e.g.*, in detraction.

(Qu. 1. May another be allowed to deceive himself through your words, actions, or silence, when he has no right to the truth—*e.g.*, in the case of lawyers, physicians, confessors, confidential secretaries, ambassadors, commanders in time of war ?

Qu. 2. Compliments in “good society” ? “Not at home” may not be a lie, though servants may so understand it.

Qu. 3. May an advocate assert that his client’s cause is just ?)

“Lies of necessity”—*e.g.*, to save life—must stand or fall with other compulsory acts. It is said that “necessity knows no law.” But constraint of liberty or threats are not necessity, for there is always more or less constraint of fear or force. It is sin to have cowardly fear. Only such fear as destroys the freedom of a well-governed man constitutes necessity, or such force as makes compulsion. *Heroic* virtue rises above the common standard of compulsion.

Another’s necessity, a father’s, husband’s, etc., stands on the same plane with one’s own. But antecedent rules are not serviceable for such cases, since formal sin is avoided when they are left to the emergency which is supposed to be outside of the law.*

On *libel* and *slander*, see Chapter on Injury, § 6.

* In fiction the question of *mendacium officiosum* is very forcibly presented in Scott’s *Heart of Mid-Lothian* (c. xviii.). Yet Jeanie Deans acted a lie (c. xxix.) in order to save her life. Coöperation, also, in the form of silence, not denouncing crime, will be found in c. xxxii., perhaps, in another form, in c. li.

Detraction, secret and unjust injury of another's good name (see Part III., page 314), is (a) simple detraction when the offence charged is true; it is (b) calumny when it is false. It is (a) direct when, if the charge be not absolutely false, yet the truth is amplified injuriously, or what is entitled to secrecy is manifested, or bad motives are imputed to a good or an indifferent act. It is (b) indirect, when good acts are denied, or diminished, or silence kept while others applaud, or praise is coldly given.

The gravity of the sin is measured by the gravity of the intention and of the injury. But it is worse than theft. "Who steals my purse," etc. Revealing wrong becomes a duty only when grave injury is effected by not doing so, or when another is entitled to know the facts.

Caution : The priest among his people is but too apt to be made the hearer of detraction, and needs the greatest care in distinguishing what he is entitled to know from idle or malicious tale-bearing.

It is sin against charity, not against justice, if a notorious offence be related to those who are ignorant of it. Listening to detraction is sin against justice, if thus inducement to it be offered; otherwise it is sin against charity.

(Qu.: Talking of injury done to one's self?)

Restitution is obligatory after these sins, so far as is possible; and usually the confessor will defer absolution until it is made. The good name is to be repaired or restored, and compensation is due for loss, if any there were, even if the fault revealed were actually committed. (Without enunciating or implying falsehood one can say, "I ought not to have said that respecting him.") Public restitution is due for public detraction, private for private. Even inadvertent detraction has the same claim.

Excuses. Restitution may be excused (a) if the fault have been otherwise revealed, or the good name otherwise restored.

(b) An old charge may have been forgotten; then to apologize for it would be to recall it.

(c) Restitution may be morally impossible, a good name being utterly lost.

(d) The detraction may have been unheeded ; *e.g.*, the speaker being perceived to be angry.

(Qu.: Suppose that the injured party has been guilty in the same way ?)

Satisfaction for *insult* may recall the offence, and it is therefore not usually to be offered.

CHAPTER IV.

RIGHT AND JUSTICE.

THE subject of the next three chapters—viz., Right and Justice, their violations through injury, and contracts based on justice—might here be considered as questions of Moral Theology alone, and no reference might be made to civil law except when it conflicts, which it rarely does, with the principles of our science.

But, even with all the rudeness necessary in general laws, which, as such, cannot recognize the inevitable exceptions occurring and recognized in morals, the civil and the common law are in large measure so admirable an application of justice to human life, and the practical use of some acquaintance with the first principles of common law as thus applied is so great, that it seems best to consider our topics both from the point of view of Moral Theology and of the laws of civil society.

§ 1. Definitions and divisions.

Justice, as we have seen (Part III., page 274), is a moral virtue inclining the will to render to every one what is right, *i.e.*, his due. Our Lord gives the law and its criterion (S. Matt. vii. 12), although His law, no doubt, extends beyond the natural virtue of justice to the domain of supernatural charity. Duty, the obligation of giving what is due, is correlative with right.

Divisions. (1) *Legal justice* was defined (page 275) as the form of justice which gives to society its rights. But if we take the narrower definition of it—*sc.*, civil justice ex-

pressed in written law—the supremacy of moral over legal justice is emphatically presented in Blackstone's remark (iii. page 392), that “a second trial is not granted in cases of strict right or *summum jus*, where the rigorous exaction of strict legal justice is hardly reconcilable to conscience.” *Summum jus summa injuria*.

The same principle will be illustrated, also, by the case of “accident;” special inconvenience of general law from unusual circumstances will warrant equitable jurisdiction from a court of chancery (Blackst. iii. 431). It will rectify some mistakes, some frauds, which may not be cognizable by common law; it will issue injunctions to prevent invasion of rights.

(2) *Distributive* justice gives honours and imposes burdens in due and just proportions (Part III., page 285).

(3) *Commutative* justice regulates exchange between private individuals.

(4) *Retributive* justice is a form of (2), exacting penalties for wrong-doing.

Note that in particular matters of justice, ordinarily and regularly, lawyers are the most competent judges; in matters of justice which are to be conducted by general rules, as, also, in religion and charity, theology is supreme (Duct. Dubitant. I. iv. rule 10).

Jus, right, is the lawful claim to do, to keep, or to obtain anything whatsoever for one's own benefit. It is the object of the virtue justice.

Divisions are (1) right in things already possessed (“things real”); (2) right to things not so possessed (“things personal”); i.e., *jus in re*, and *jus ad rem*. These give rise to real and personal actions in law.

Property is rights in things (Blackst. ii. c. ii.). This, as *jus in re*, is either real or personal, the former being lands, tenements, and hereditaments. But the last divi-

ion, expressing all that can be inherited, will include, also, personal property (c. xxiv.). To distinguish then things personal, they are called chattels, which are either chattels real, as a lease or a mortgage, or chattels personal, viz., movables (c. xxv.).

Property, as possession, is either absolute or qualified. This fact will give us a four-fold division of right; viz., (1) dominion; (2) use; (3) usufruct, use with further benefits; (4) service and jurisdiction, as the bishop's right, the paternal right, the right of masters, etc.

§ 2. Dominion.

Absolute dominion belongs only to God (Ps. xxiv. 1). But man can rightly have property as against other men (Part III., page 302), receiving it from God, and being in it independent of others. This is both natural law and positive Divine law (Gen. i. 28).

Human dominion, or the right to dispose of a thing in any manner as one's own, is (1) perfect when there is the right to dispose of the thing and of its use; (2) imperfect if the right cover only one of these.

"Eminent domain" ("*dominium altum*") is in the state, since its claim is superior to that of individuals; "*dominium humile*" is that of private persons.

A qualified right of property is in many cases recognized as existing (1) in the case of water, as appropriated by occupancy (Blackst. ii. 403). Obstructions, therefore, the fouling or diverting of water, etc., may constitute legal injury as well as a violation of justice, and often of charity.

(2) In "bailment," also—i.e., delivery of goods in trust—qualified property is acquired; e.g., by a carrier, an innkeeper, a pawnbroker. A servant in charge does not so acquire.

Jus ad rem is another example of qualified property, called "property in action," or "*choses in action*;" e.g., money due on a bond, or a promise or covenant to do any-

thing (Blackst. ii. 397). If there be failure in such a case, common law will give compensation for the qualified property.

Imperfect dominion is direct when it is over a thing ; it is indirect when it is over the use of the thing.

Man has, by Divine gift, the second, "*dominium utile*," over his goods of body and soul. He has not direct dominion in either of these goods. (See notes on the Sixth Commandment, page 515.)

Over external goods, however, he has both direct and perfect dominion. (Qu.: Can he rightly have *dominium utile* over another person ?)

Children and the insane are not incapable of dominion through a guardian. With respect to dominion on the part of minors, common law is more liberal than the civil law—i.e., the rights of parents over children, so far as regulated by human law, are more restricted by the former ; but both common and civil law agree with the law of nature that the parent has perfect dominion over his child's earnings while that child is under age, "the child living with him and being maintained by him" (Blackst. i. 453). But the former makes the emancipation of the infant very easy ; for the father may relinquish all his right to the services and earnings of a minor child, in which case the child will have perfect dominion over them.

In the case of other property held by the child, as by gift, bequest, etc., the father, if he be appointed guardian of that property, stands in the same position as a trustee ; and the child's dominion is limited by the power of administration which is in the parent as guardian of the property in question. The father receives the profits of his child's property, but must account for them when his child comes of age.

§ 3. How is dominion acquired ?

(1) Dominion is acquired by "*occupancy*"—i.e., the actual

taking possession of what belongs to no one; *e.g.*, wild land or animals—under requisite conditions; *sc.*, (a) that the thing is a proper object of private dominion (Qu.: land?), and belongs to no one; (b) that no human law stands in the way; (c) that the occupier intends to make it his own, and actually takes it (Instit. III. tit. i.).

Feræ naturæ (Blackst. ii. page 392). By *jus gentium* beasts, birds, and fish are the property of the captor, and may be taken anywhere, but the owner of the land may prohibit entry thereon. If such wild animals escape from their captor, they become the property of any one who captures them again. By common law, however, there is a qualified property in them, "*per industriam hominis*," in confining or taming them. But this is only while they are actually possessed through occupancy, unless, like turkeys and pigeons, they are in the habit of returning. (Cp. the seal as an international question in 1891.) It is felony, however, to steal those which are used as food (page 394). Dogs, cats, etc., are not so protected by common law.

(2) *Finding*, or *discovery*, is either of (a) "*thesaurus*," money lost; or (b) of other things lately lost; or (c) of things abandoned; or (d) of things not owned (Instit. ii. tit. i. 9). *Thesaurus* goes with the land if found by the owner of the same; "treasure trove," however, may be reclaimed by the owner if he appear. (Cp. Roman and common law.)

(3) *Prescription* either (a) gives some acquired dominion; or (b) some positive obligation, though unfulfilled, is released through lapse of time. Divide, then, into acquisitive and liberative prescription.

Human law has the right to sanction this mode of obtaining dominion, without the previous owner's consent, as morally necessary for the common good; for otherwise

strifes would often arise from uncertain possession. Due prescription in transferring dominion therefore is obligatory *in foro conscientiæ*.

There are five conditions of lawful prescription :

(a) "*Sit res apta ; (b) fides bona sit ; (c) titulus quoque justus ; (d) possideas juste ; (e) completo tempore legis.*"

The first condition (a) requires that the thing possessed be a salable thing over which dominion has been exercised (not a loan, etc.), public, undisputed, certain, and uninterrupted.

(b) The second condition is a firm persuasion that the title acquired is one's own ; otherwise there is moral (Qu.: legal ?) obligation of restitution. The same principle applies to liberative prescription.

Ignorance of the law does not constitute this "good faith ;" although ignorance of facts may do so (Digest. xxii. vi. 4, 6). According to the civil law, subsequent knowledge of facts does not vitiate legal possession, whatever moral obligation there may be (Digest. xli. iii. 48).

(c) The title must appear to be a true one ; *e.g.*, buying, gift, etc.

(d) But a long period of uninterrupted possession is equivalent to a title of some other nature. This length of time, however, is different when accompanied with other title, and again when so unaccompanied. It differs also widely in the case of movables (in most cases under the statute of limitations the period being six years) and of immovables, which require a much longer period for prescriptive title.

Thus, by the statute of limitations, no entry shall be made upon lands unless within twenty years after a man's right shall accrue (Blackst. iii. page 178).

Prescription is suspended by the minority of the claimant, and by other insuperable obstacles.

It does not apply to anything fraudulently obtained, for there must be *bona fides* ; and no length of possession under such circumstances can make a wrong become a right.

Liberative prescription, also—*i.e.*, lapse of right—has its term fixed by civil law. But what law permits may not always be what a good conscience can rightly claim.

(4) *Accession*. The thing acquired may be so united with one's own property by natural processes that dominion is gained over it. Thus, the offspring of brutes goes with the mother, "*partus sequitur ventrem*" (Instit. II. i. 31, 33; and trees, etc., go with the soil. The *bona-fide* possessor of land is entitled to all gathered fruits, unless the owner claim them; but there can be no action for gathered fruit against the "*usufructuarius*" (*vid. infra*). But if one be possessor of the land *mala fide*, he must restore what he has gathered or compensate for it.

"*Specification*" is another example of accession. Manufacture with another's materials, if in good faith, gives property in the product, the materials being paid for (Qu.: legal rights?). This if the thing be properly new; but if merely the form be altered, as in making a coat, the owner of the material can still claim it (Blackst. ii. page 404).

Alluvion, another example of the same, is the slow (not the sudden) growth of land on the bank of a running stream, which gives rightful claim to the accession.

"*Adjunction*" is a similar example. If a man build on his own ground with another's materials, he owns what accedes to the soil, but the other has a lien on the materials. If any one build on rented ground, the building becomes the property of him to whom the ground belongs; but if the builder acted *bona fide* he must be compensated; if he acted *mala fide* he can only take away the materials. (Note that the present law of "betterments" is uncertain.)

In case of confusion of goods without consent of both parties, the entire property belongs to him whose dominion is invaded (Blackst. ii. page 405).

We are discussing right and justice, but the higher law

of Christian charity may overrule the demands of strict justice in all such cases.

(5) *Conveyance*. Another's title may be transferred to a new owner for a satisfactory consideration, or as a gift. (See the chapter on Contracts.)

Use and usufruct. The first is the right of using another's property, the substance of it being preserved for the owner ; the second is the right of using and enjoying it ; *i.e.*, of taking the fruits for one's own on like conditions. This gives *dominium utile*. The fair expenses connected with the thing are to be paid, and also all ordinary obligations ; *e.g.*, an annuity on the property. It must be restored in reasonably good condition, and the owner must not injure the usufruct ; *e.g.*, parents using children's goods. Use, then, does not apply to perishable goods, as articles of food.

The *usufructuarius* can sell his right, but the *usuarius* cannot.

Tenant right, subletting, etc., sometimes involve grave moral questions which cannot be here discussed. (See, further, the chapter on Contracts.)

CHAPTER V.

INJURY.

§ 1. Definitions and divisions.

Injury (“*injuria*”) is the violation of another’s right. It is at once sin against the individual man, against society, and against God, whose law of justice and charity is broken.

Divisions. It is “formal injury” when it is intended; it is only “material” injury, when it is not intended. It is grave or light relatively to the injured person. It is direct, or it is indirect when it is foreseen and permitted in its cause.

Note that the question of involuntary injury—*e.g.*, that done by one intoxicated—has been considered under the question of ignorance, *q. v.*, page 466.

But common law accepts no such defence, considering the ease with which such plea is made, and punishing the voluntary loss of reason (Blackst. iv. page 25).

Damnum, loss, may be caused without injury, for “*scienti et volenti non fit injuria*,” except when a man cannot lawfully yield his right.

(Qu. 1. Parental right *versus* legislation concerning children’s education ?)

Qu. 2. Abridging the suffering in case of mortal injury when so requested ?)

Injury also may be caused without loss, as in the case of rash and unjust judgment.

Injury may be otherwise divided according to its object, as done to goods of fortune, of body, of soul, of good name.

For the ends of civil society the most fundamental divi-

sion is, (1) private wrongs, infringement of the private or civil rights of individuals considered as such ; and (2) public wrongs, "*nefas*," where the community as well as the individual is considered to have been injured. The latter are crimes and misdemeanours. In civil law a crime or a misdemeanour (a lighter act of similar nature) is an act committed or omitted in violation of a public law. To constitute a crime in the view of civil law there must be an overt act, as well as a vicious will. Felony in the United States is a crime punishable with death or confinement in a State prison.

Minors. By common law an infant under seven years cannot be guilty of felony ; between seven and fourteen years, inquiry must be made whether he is "*doli capax*." If he be over fourteen years, without question the felonious act is felony in him.

§ 2. Theft.

Theft (see Part III., page 302) is unjust taking of another's property, the owner being unwilling. The "formal" part is the intent to defraud.

Divisions. It is (1) simple theft, the secret taking ; (2) robbery, taking with violence ; (3) fraud, deceiving in contracts ; (4) sacrilege ; (5) peculation, the very common stealing from the public purse. All are mortal violations of the law of nature.

The evil intention is the formal part of the sin in theft ; but the crime of stealing is not altogether so viewed in common law.

Thus the attempt to commit a felony is only a misdemeanour. So also is coöperation in the form of solicitation or incitement to commit the theft. "The attempt and not the deed confounds us," is not true of common law. In theft also, as viewed by common law, there must be actual

possession taken, and not the mere preparation for it (Blackst. iv. 222, 231). To constitute stealing, however, there must be felonious intent; otherwise the act may be only trespass (page 232).

But if other injury be done, even though unforeseen, while one is guilty of an unlawful act, he is held to be answerable for that injury. Homicide committed by one engaged in a felonious act may be viewed as murder.

Blackmail. Sending letters which threaten to accuse of crime, etc., with a view to extort money, is an attempt to rob, and crime by modern law.

The theft may be of a thing so trifling as to cause no appreciable injury (see Part III., page 304); but it is not to be overlooked that by accumulation the thief may be enriched; e.g., retail dealers by short measure and light weight.

(Qu.: Suppose that the price set upon the goods is proportioned to the light weight or short measure?)

In the case, again, of children and servants, it is certainly true that if the article be trifling in value, or be consumed, not preserved, given away, or sold, the owner may be presumed to be less unwilling to part with it than in other cases of theft. But this applies only to the "material" part of the act. We are bound to consider the formal intent, and the tendency of what may possibly be venial sin in itself.

It may be suggested, indeed, that the taking of the little thing without the owner's knowledge or assumed consent may neither harm him, nor intend to do so, nor sensibly enrich the taker. In this case there is, undoubtedly, the sin of theft, but surely not so grave as other sins which violate justice and charity.

Since the fruits of productive property, including private

or public funds, belong to the owner of the same until he transfers its use, it is evident that if the guardian or trustee or treasurer of that property appropriate to himself those fruits of it—say, using for himself the interest on those funds, or seeking profits on them in “speculation”—he is indirectly a thief, even if he restore the property undiminished. For he is not a “*usufructuarius*.” *

Extreme necessity—i.e., immediate danger of life or limb, etc.—“knows no law.” I mean that there is a natural right to use, sufficiently for the pressing necessity, whatever can be found, and that taking it is no theft. For the owner’s *dominium utile* is subject to God’s higher dominion and law, and the human steward is bound not to be unwilling in such a case of need.

(Qu.: Suppose that the extreme need is in another, and that you yourself have no means of supplying it from your own resources ?)

But restitution afterwards is due, if that become possible. What was secretly taken may be secretly restored.

§ 3. Restitution. (See Part III., page 286.)

Violation of right, being an offence against God, must in

* NOTE ON ARREST.—A warrant from a justice of the peace is preferable to a private arrest if the offender be not likely to abscond; because if it be erroneously granted, no action lies against the party obtaining it unless it be proved that he obtained it maliciously. The warrant, however, is limited by the jurisdiction of the magistrate who issues it.

By common law, a justice of the peace, a sheriff, a coroner, or any peace-officer, may arrest any person on reasonable charge of felony presented to him, or if he himself witness any suspicious act (Blackst. iv. 291). But where a felony is actually committed, any private person may arrest the felon, and is bound to do so. Even on reasonable ground of suspicion he may do so, though he is liable to action for assault and false imprisonment. Any private person may interfere to prevent a felony, and may apprehend and detain the one attempting it (page 293).

(Qu.: Disturbance in church ?)

all cases be made good as a condition of pardon from Him. Compensation, indemnification, etc., are required by commutative justice in the law of nature, and in the revealed law (S. Jas. v. 4), as well as in human law. .

But violations of distributive justice or of charity as such do not demand restitution, because, strictly speaking, they cannot be made good in the same manner with violations of commutative justice. The fault can be amended, but the past loss cannot be repaired. This is the principle which applies to penitence in respect of retributive justice. A propitiatory sacrifice must supply what penitence cannot.

Note, however, that the same offence may violate both forms of justice. Thus a negligent ruler may cause grave loss to the ruled, and violate the implied contract with them, and become subject to the law of restitution proper.

Restitution is based upon the law of nature that "since all wrongs may be considered as merely a privation of right, the plain natural remedy for every species of wrong is the being put in possession of that right whereof the person injured is deprived" (Blackst. iii. 116). As a negative law—*sc.*, "Thou shalt not withhold his right from thy brother"—restitution is always obligatory ; but as a positive law—*sc.*, "Restore at once his right"—it is binding under the due conditions. The obligation arises from (1) unjust possession of another's property ; (2) from unjustly causing loss ; (3) from unjust coöperation in injury done by another.

Maxims. (1) "*Res clamat domino.*" The right of the owner follows the thing wherever it may go. By common law he may recover his property even from a *bona-fide* purchaser wherever it may be found (Blackst. iii. 4 ; iv. 363). In such a case, however, the original *bona-fide* purchaser is not bound in conscience to make restitution if the thing have passed into other hands and cannot be recovered.

(Qu.: Suppose that in good faith he has sold the thing, to whom does the price of it belong ?)

(Note that property thus found must not be taken with violence. The owner must not be guilty of a "breach of the peace." He may not enter a third person's house for the purpose of getting his own, if that third person have not been accessory to the wrong. He may take possession of his own house or land, and eject an intruder, as also he may abate a public or private nuisance as an injury to the public—*e.g.*, nuisance made by an act of commission—only it must be done without riot. He may distrain goods for rent not paid, and cattle trespassing on his premises (Blackst. iii. 5, 218; iv. 167). "*Sic utere tuo ut alienum non lædas*," says common law as well as the Divine law.)

Prescription, as already noted, gives claim to property in pure water, etc. But damage, if any, must be direct, not consequential.

(2) "*Res fructificat domino*;" *i.e.*, the natural fruits or profits of a thing, and the use or enjoyment of it, belong to the owner thereof. This is included in the idea of dominion.

(3) "*Res naturaliter perit domino*;" *i.e.*, when the object ceases to exist, dominion of it ends; but there may be still existing an equivalent which belongs to the owner of the previous property.

(4) "*Nemo ex re alterius locupletari debet*;" *i.e.*, no one may rightfully be enriched through another's property; hence it follows that the measure of restitution due in such a case is the quantity of the thing detained from its owner, together with the accrued profits.

(Qu.: If a public treasurer or a trustee of funds make a profit by "speculating" with those funds, to whom does the profit belong ?)

How and to whom restitution is to be made. (See Part III., page 285.) In the common frauds in trade the owner

may be unknown or cannot be reached ; then that which is gotten by fraud, not belonging to the possessor, can only be restored by giving to charitable uses for which society at large is responsible.

In many cases it is impossible to make full restitution for the injury done against commutative justice ; then the restoring such part as is possible is obligatory on conscience as a condition of pardon for the sin.

Extreme necessity justifies delaying or withholding restitution.

The restitution may be made secretly, or through another ; all that is required is that the wrong be made right.

Note the grave sin—very common—of keeping up the expenses of life, and thus defrauding creditors.

The possessor bona fide, as soon as he knows that the thing possessed is not his own, is bound to restore it to the rightful owner, if he be known ; and this, in whole or in part, as the thing may be at the time, together with the profits which have been derived from it, if any there have been.

If he have bought stolen property, he has run his risk in doing so, and he must lose, since the rightful owner cannot justly be made the loser (Blackst. iv. 363).

But the possessor *bona fide* is bound to no compensation if he have consumed, destroyed, given away, or lost the thing, or if it have been stolen from him. For it is not the materially causing loss (*damnificatio*) which demands restitution, but the formal injury.

But the case is different if he have become richer by the possession of another's property ; then he is bound to return the natural and the civil fruits of the thing, but not such fruits of it as he has gained by his own industry in using it.

Suppose that this wrongful possessor has sold the thing ; then, if the owner reclaim it, the seller is bound to return

the price to the buyer, for in the contract of sale a good title to the thing was implied.

(Qu.: Suppose that he has sold at a profit, to whom does that profit belong?)

The possessor mala fide—i.e., knowing that the thing is not his own—is bound to compensate the owner for every kind of loss, including profits, which might have been derived if the thing had remained in the owner's possession. There are various difficult cases of conscience in this regard, but the maxims given above will generally solve them.

If the thing unjustly possessed pass through various hands in bad faith, each person so receiving it is responsible for the whole.

The possessor in doubtful faith is bound to make careful inquiry. If this be done, and the title still remain in uncertainty, he may retain the thing with a good conscience; for "*melior est conditio possidentis*;" the presumption is in his favour, and other claimants to the thing must show a better title than his.

§ 4. Damnificatio.

Though unjust damage requires indemnification, yet the moral fault, which offends God, must be distinguished from juridical fault as resting on a sentence from a civil court. For the law will punish omission of due care if it cause loss, whether there has been any moral fault or not.

The unjust damager is bound to full restitution of the thing or its equivalent, and also of its profits; *e.g.*, if a house be burned, or if workmen lose time through your neglect, those who suffer loss must be indemnified for rent in the one case, for loss of wages in the other.

Conditions. (a) There must have been an unjust act of omission; (b) it must be the cause of the loss and morally culpable—*i.e.*, through foresight, intention, or criminal

negligence. These conditions are requisite to constitute the moral fault; but even otherwise the sentence of the court in finding juridical fault binds conscience—*e.g.*, if one have used all ordinary or due care. *E.g.*, suppose that animals belonging to you cause the loss; if it be through your negligence, you are morally bound; if not so, you are not bound to make compensation until the sentence of the court so decrees.

Suppose, again, that without moral fault on your part loss occur through your fulfilment of your official obligations, as in the case of a physician; there is no obligation of restitution.

Suppose, again, that you at first caused the loss without fault, but afterwards did not do your best to stop that loss; you owe restitution.

(Qu.: Suppose that loss is caused to society by your aiding in giving office to the unworthy?)

§ 5. The unjust accessory. (See Part III., page 292.)

Coöperation may now be further considered in its application to injury done.

(1) *Command* causing moral compulsion requires restitution for injury done if the loss directly result from the command, and this also if the one commanded suffer loss in consequence of his obedience to the command.

(Qu.: Responsibility of the one commanded—*e.g.*, a clerk executing fraudulent orders; a railway clerk obeying the orders of his superiors?)

(2) *Advice* may be a cause of loss; and restitution is due if that advice were efficacious; but it is not due if the act would have been done in the same way without the advice.

The advice may have aided in causing the result, without its being properly efficacious.

Again, it may be inquired whether that advice were given with the weight of authority. If not, there may be no obli-

gation of restitution, as in the familiar case of those who are not experts volunteering their advice in difficult matters. Compare the injurious advice of the priest, the lawyer, the physician, with the friendly words of neighbours ; the former may be the efficacious cause of loss when the latter count for very little. The one who follows bad counsel, knowing it to be bad, may suffer in consequence thereof ; but he has no claim for indemnification from his adviser. "*Scienti et volenti non fit injuria.*"

(3) *Consent* binds to restitution for loss, if it be efficacious. Consider the political obligations of voters, and their contributing to public loss by knowingly voting for the less worthy, or by withholding their votes from the worthy.

(4) *Praise or blame* before the act is done is equivalent to counsel, and is to be judged by the same rules. Restitution is not due when the act already done is applauded.

(5) *Participation* may be either in the injurious act or in its profits. In both cases restitution for injury done is obligatory, subject to the conditions respecting coöperation which have been already pointed out.

(6) By silence, by not hindering, by not revealing, *negative* coöperation in injury is given. For the injury is not hindered when it is possible so to do (*e.g.*, not voting for the more worthy candidate for office). In such cases the law of charity is violated, which sin calls for repentance and amendment, not for restitution, unless the duties of one's office have been neglected.

Observe that the superior is answerable, in common law as well as in morals, for the negligence of his employees, if his own negligence were culpable. This is true of both servants and agents. But in common law exception is made if the negligence of those employees were wilful, criminal injury, or out of the line of their authority. But, on the other hand, owners of hacks, or inn-keepers, are liable for injuries done through drivers or servants, and can claim no such exception (Blackst. i. 430).

§ 6. What things are to be restored?

(1) *Goods of the soul.* The injury which is done through deceit, fraud, or unjust fear must be repaired; otherwise, only charity binds the conscience, for "*scienti et volenti non fit injuria.*" Such unjust injury may be error in faith or in morals, and it is the erroneous official teacher, not the unofficial, who is bound to correct the error, if it were due to ignorance or negligence, not to guile or deceit.

Common law is very careful in defining what slander and libel are actionable (Blackst. iii. 123), setting very definite limits in this regard; *e.g.*, limiting the time within which action may be brought.

But note the attempt of American newspapers to relax the common law of libel.

But though it is strictly just so far as it goes, conscience must go much further to the intended wrong and the injury actually done. For the truth of the charge will not release conscience from its obligation, whatever American newspapers may claim, if there were no just warrant for the publication. But the legal distinction between malice in fact—*i.e.*, actual malice—and malice in law—*i.e.*, a wrongful act intentionally done—is equally serviceable in our science of Moral Theology.

(2) *Goods of body*—*e.g.*, loss of life or limb, or violation of chastity—call for retributive justice, and no proper restitution can be made. (*Vid. infra*, Satisfaction.) But all consequent losses which can be measured demand strict restitution.

(Qu.: Is the seducer who has not made promise of marriage bound to marry the seduced? If illegitimate progeny be in question, both human and Divine law make him responsible for the support and education of that offspring, and, in many cases at least, this may require marriage.)

(3) *Goods of fortune* have been already considered as a question between man and man; but they are also due to the state, according to Divine command as well as the law

of nature, since they are necessary for the common good. Lawful government, therefore, has a right to part of the people's goods, and that part may be collected either directly or indirectly, as excise or tariff.

Conditions. (a) Taxes must be just, *i.e.*, imposed for the common good ; (b) they must be laid equally on all ; if so, they are binding on conscience (S. Matt. xxii. 21 ; Rom. xiii. 6).

Note, therefore, the sin of evading such burdens, thereby increasing those of other citizens ; of corrupting assessors, custom-house officers, tax collectors, etc. But there are many difficult questions involved in the determining what is right.

Injuries in trade. "Forestalling" the market—*i.e.*, contracting for merchandise on its way to market, etc., with a view to the undue enhancing of the price of it ; "engrossing" provisions by buying them up for the same purpose ("corners") ; spreading false rumours for the same end ; getting a monopoly of necessities, or making a combination for the same purpose, are offences punishable by common law* as well as by the Divine law (Blackst. iv. 158). Should they not be, at least, as severely treated by human legislation as "conspiracy" among labourers ? The same principles apply to interference with workmen, preventing them from hiring themselves, compelling them to join unions ("scabs"), or other interference with the freedom of labour.

(Qu. : Do harmless adulterations violate the law of justice if the price of the article be reduced accordingly ?)

Satisfaction to retributive justice. (See Part III., page 308.) The question is not now of what is due to Divine retribution, but of penalties inflicted by human law, such as capital punishment, confinement in prison, exemplary dam-

* Recent decisions with respect to "trusts" extend the scope of the civil law.

ages, and the like. These rest upon the just sentence of human law, and not on the satisfaction which the penitent voluntarily offers to the broken law of God.

One is bound, therefore, when condemned, to bear the penalty of the law if he be guilty and if the law be just ; but no moral law requires him to come forward and denounce himself.

It follows, also, that escape by breaking jail is justly treated as felony by common law, as also "rescue," or aiding another to escape.

(Qu. 1. Suppose that the condemned to death or long imprisonment has opportunity to escape without injuring others ; is he guilty before God in doing so ?)

Qu. 2. Suppose that he is innocent, or known to be so, what is his right ? What is the duty of the one who knows his innocence ?)

Observe that public nuisances, being an injury to the community, are subject to similar retributions of justice, and by common law may be suppressed or fined. Such are houses of prostitution, gambling houses, lotteries, tramps, and vagabonds (Qu.: drinking "saloons" ?) (Blackst. iv. 168).

CHAPTER VI.

CONTRACTS.

§ 1. Definitions and divisions.

As viewed by Moral Theology, these are constantly recurring applications of the laws of justice, especially of commutative justice. But common law and moral law sometimes move on different lines.

What is a contract? It is an agreement by which one or more persons bind themselves to one or more, collectively or severally, to do, to give, or to omit something.

Divisions. (1) Common law supposes some "consideration," good or valuable, which makes the contract (*a*) onerous.

In morals, however, contract may be (*b*) gratuitous, which, for our purpose, at least, may include such contracts as "*mutuum*" and "*depositum*" (*vid. infra*).

An equitable consideration, however, is of no avail if it tend to deprive third parties of their just rights; otherwise it will stand, if accompanied by deed or immediate possession.

A promise, though morally binding, or a moral duty enforceable by law, will not be recognized as adequate consideration. In law, a promise is binding only if it is accepted, and another promise given in exchange for the act done, which constitutes the consideration.

(Qu.: Legal force of subscriptions, apart from the liability incurred in consequence of such subscriptions.)

On the other hand, if the consideration be valueless, the law will not inquire into its adequacy if there be no evidence

(e) In morals, not in law, error respecting the motive, if that be the final end sought for, invalidates the contract, for it affects the substance of it; *e.g.*, subscribing to what is reported to be in need when such is not the fact.

(2) *Fraud* is cause of nullity in a nominal contract when without that fraud there would have been no contract made. This means that (a) the fraud must be material to the contract; that (b) the fraud works actual injury whether the statement be literally true (*e.g.*, stating that property in question is worth so much, when it is heavily mortgaged), or be known to be false when the statement was made; and (c) that the injured party relied upon the fraudulent statement, and had a right to rely upon it. Thus was created a special trust. A false and even injurious statement believed to be true by the person who makes it is not a legal or moral fraud. (See, further, § 5, Sales.)

(3) *Fear* is grave or light, produced from an intrinsic or an extrinsic cause, necessary or free, just or unjust, produced in order to compel the contract or otherwise. All sorts of fear greatly disturbing the reason of a well-governed rational man invalidate a contract; if they be not so great as to amount to that, they do not avoid a contract. *Force*, also, moral or physical, is in effect the same. If a contract be made with one who takes wrongful advantage of necessities, or uses actual and extreme violence or threats producing well-grounded apprehension of such violence, that contract is voidable in law.

(Qu.: Suppose that the force or fear is for just cause, what is the moral obligation of the contract?)

In gratuitous contracts, however, fear or force counts for more than it does in onerous contracts.

The obligation of the contract is to all things fairly implied in it, and not merely to the letter of it. The obligation is not created or the contract made binding by an oath

if the contract be *per se* invalid; and the oath is void if it cannot be kept without sin.

§ 4. Gratuitous contracts.

(1) A *promise* is a gratuitous contract in which one freely and spontaneously obliges himself to give something gratuitously to another, or to do or to omit something in his favour.

Conditions. (a) There must be at least the implied will of obligating one's self; (b) the promise must be free from all error and fraud respecting the thing and the final cause of it, from all compulsion and fear, even though they be just; (c) the promise must be outwardly given and accepted.

Note, therefore, that simple promises usually express merely the purpose of the promiser, and, if all these conditions be not present, the promise may be revocable.

The promise (Whewell's *El. Moral.* III. xv. 377) is to be interpreted like any other contract, not only by the intention of the promiser, but also by the sense in which, without amphibology, he at the time believes that it is accepted. This makes the mutual understanding, the implied contract.

If the conditions on which the promise is made be unfulfilled, the promise is null, for he that accepted it was bound to do so subject to those conditions.

Unlawful promises were void *ab initio*; it is an added sin to fulfil them. Here may arise a seeming conflict of duty, for the promisee appears to have a claim on the promiser. But we must apply the rules for a perplexed conscience, and the promiser's conscience is to be the judge herein. Fear and force have been already considered.

Note that a promise without consideration is not binding in common law.

(Qu. 1. Promising the less worthy candidate that you will vote for him ?

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(Qu. 1. Promising the less worthy candidate that you will vote for him?

Qu. 2. A promise of marriage, carelessly made, and therefore a sin—should it be kept ?)

(2) *Donation* includes (a) *testament*. This requires capacity to give *de facto* and *de jure*, and also ability to receive on the part of the recipient. Infants, etc., however, may receive through *guardians* ; but to non-existents in general no testament is valid ; and since in some States a legacy cannot be left to uncertain persons, or to a charitable object apart from an existing corporation, the remedy is to appoint definite trustees, which should be done in all cases.

The limits of age in the capacity to bequeath, as well as of title to receive in other than the natural heirs, etc., are fixed by the laws of the State. (*E.g.*, in New York males must be eighteen years of age, and females sixteen, before they can make a valid testament.)

Observe, as a caution for the priest, the objection in common law to the attending physician or priest or lawyer's receiving a legacy. Note that witnesses ought not to be beneficiaries under a will.

Every natural heir on succeeding to his inheritance ought to make allowance for what he has previously received by gratuitous donation. Civil law may seem to contravene the law of nature in requiring legal formalities for a valid testament, but such formalities must be viewed as necessary for the security of society. But if the will of the testator were just and clearly expressed, conscience, says Bishop Taylor (*Duct. Dubitant. II. i. rule 5, § 7*), is not released from its obligation. This assumes that the rights of property extend beyond the owner's death. But if, on the other hand, man have not the natural right to direct the succession to his property, such succession is strictly subject even *foro conscientiae* to the law of the land (*Blackst. ii. 13*).

But, again, if the heir accept the testament and act under it, does he not do so subject to all the testator's conditions, even informal ones ?

In cases of doubt, the law must decide, and the general rule applies, "*beati possidentes*."

(b) *Gift*. In common as well as in civil law there must be actual delivery or else a deed of gift. Anything else would be construed as a mere promise, for the only valid donation is *in presenti*. Without delivery of the gift there is merely a contract *in futuro*, which requires a consideration.

Conditions. (a) The gift must not be prejudicial to creditors; (b) the donor must be competent to give, *e.g.*, of sound mind at the time; and (c) not circumvented by false pretences, surprise, or inebriety. Any of these defects will void in law and in morals even a deed of gift. Gifts are either "*causa mortis*," which come nearer to testaments, or "*inter vivos*." The former are revocable in the life-time of the donor, if he recover, even after delivery; not so the latter.

(3) "*Bailment*;" *loans and borrowing*. Civil law makes various classes of bailment, which more or less affect moral and legal responsibility in the matter.

(a) "*Commodatum*" is a gratuitous contract by which a thing is granted for the sole use of the "bailee" during a certain time, with the obligation of restoring that thing at the expiration of the appointed time. If revocable at the pleasure of the "bailor," it is called "*precarium*."

(b) "*Mutuum*" is also a gratuitous loan, but the thing being perishable, a similar thing is to be returned. *Money-lending* would be an example of *mutuum* if, as in former ages, interest were illegal and held to be morally wrong.

These are ordinary forms of borrowing. But in the former the bailee has no dominion over the thing; he cannot loan or rent it, and if it be stolen or lost he must give full recompense to the owner, unless he can prove extraordinary care (Instit. iii. tit. xiii.). If the injury have occurred despite all such precautions, he is not morally bound for

the loss, but the question will be one of civil law as well as of morals.*

In *mutuum*, also, the borrower being solely benefited is bound in case of accidental loss. A *quasi* contract of this kind is a loan made to a minor, which cannot be recovered in law. So, also, if a payment be made to him when it is not due.

(c) "*Depositum*" is a gratuitous contract where the benefit is solely on the side of the bailor, as when valuable papers are left in care of a banker. Imperfect dominion is given, —i.e., of the thing, not of its use. The bailee is bound *in re*—i.e., he must restore the thing as it was with all its increase, if any there be; but he may in good faith deliver it to another who claims and is believed to be the rightful owner. He is only answerable for his fraud, or for gross negligence in the care of it. If loss occur otherwise he is not morally answerable for that loss.

Similarly, if one find property, he is not bound in justice to take charge of it; but if he do so, he becomes a depositary, and must use the same care as if the thing were his own, and he is answerable for gross negligence.

(Qu.: A lawyer has gratuitous charge of his client's funds; by forged endorsement they are withdrawn from the bank; which, if either, is answerable for the loss? I answer, probably the bank, as having an onerous contract, deriving profits, and being bound, therefore, to use the greater care.)

(d) A *pledge* binds *in re*, and the bailee (e.g., a pawn-broker) is bound to use ordinary care, for the benefit is supposed to be on the other side. So, he is not answerable if the thing be stolen from him.

(e) "*Mandatum*" is a gratuitous commission where the

* A very conspicuous and interesting case of *commodatum* is that of Carlyle's lending to J. S. Mill the first ms. volume of the French Revolution, if this were done simply for Mill's gratification. But how did the loss of the ms. occur? If it were due to the negligence of Mill's servant, the sending of the £200 was an act of justice.

mandatory agrees to do something with or about the thing bailed. Being for the exclusive benefit of the bailor, the bailee is held only for gross negligence. If one undertake to do simply what is requested, no property being put in his possession, he is not legally liable unless he begin to execute his agency. In that case he is liable for malfeasance, but there is no *mandatum*, no contract in law.

§ 5. Onerous contracts.

In ordinary onerous contract by mutual consent a right is transferred on both sides ; dominion is given by delivery of some thing.

(1) "*Locatio*," hiring, is (a) of things lent for pay. He who hires a thing must take ordinary care ; if he do so, he is not responsible for loss or injury unless his servants were negligent. The owner is bound to keep the thing in good repair, and if the bailee is obliged to do so, he must be recompensed by the owner. But tenants of houses under lease are subject to special rules. What they have added they may remove, if they can do so without injury.

(b) "*Locatio operis faciendi*," as when mechanics are employed to use materials furnished to them. They warrant ordinary care and the requisite skill. If the workman deviate from the terms of his instructions or contract, and so render his work of no use, he is entitled to no pay, either in law or in morals. The workman retains a passive lien (not a right of sale) upon the materials for his pay.

Inn-keepers are another example of the same. They are liable for loss through servants, other guests, robbery, etc. (If a trunk be lost in the free hack they are liable.) They have a lien for pay on the property, not the person, of their guests.

(c) "*Locatio mercium vehendarum* ;" carriers, both private and common. (The latter carries for any who will hire him ; e.g., cartmen, express agents, etc.) Common carriers are responsible for all loss or injury, except the "act of

bling debts, however, are not binding in conscience, though called "debts of honour." *

* On payment of debts : What is binding in morals may not be binding under civil law, in which experience has shown the need of many precautions. To be legal tender, the sum must be actually produced, not promised or offered to be produced. It must be unconditionally tendered at the time named. A tender of money cannot be pleaded in an action for general damages, or for a tort, or for voluntary trespass, or in action against a carrier for goods spoiled, unless he have, by valid contract, limited his responsibility. (Some of the United States, however, have abolished this.)

Tender may be made in case of involuntary trespass.

Tender of money due on a promissory note stops the interest ; but it admits the contract.

One may pay into court what he acknowledges to be due ; and then, if the creditor proceed, it is at his own peril. If he do not recover more than the amount paid into court, costs and interest are saved. The debtor may also plead a "set-off," and pay into court what he claims to be the balance. But set-off is not allowed where damages are uncertain ; as in action for tort, trespass, replevin, etc. (Blackst. iii. page 303).

CHAPTER VII.

THE LAW OF SACRAMENTS.

§ 1. Sacraments in general.

Since the doctrine of sacraments in general as well as of the sacraments individually belongs to Dogmatic Theology, only so much of it need here be indicated as is necessarily assumed in Moral Theology.

A sacrament is defined with theological precision in the catechism of the Anglican Church. It is (1) "an outward and visible sign of an inward and spiritual grace given to us, (2) ordained by Christ Himself, (3) as a means whereby we receive the same and a pledge to assure us thereof." This definition is substantially one with that of other parts of the Catholic Church—*e.g.*, the catechism of Trent; *sc.*, "a visible sign of an inward grace, instituted for our justification." In a wider sense the word has been employed in the Church for any sign of a sacred thing, as the Paschal Lamb in the old covenant, "*sacræ rei signum*" (S. Aug.); or for a hidden mystery outwardly signified, "*sacrum secretum*;" or for an oath as a sacred thing.

A sacrament is (1) commemorative of the Passion of Christ; (2) demonstrative of present grace conferred; (3) prognostic of future glory (Summ. Theol. III. lx. 3).

Requisites. It follows that three things are required to constitute a valid sacrament: (1) "An outward and visible sign" for the eye, some material thing or action; (2) a form of words, a sign for the ear; (3) a person authorized to administer the sacrament, because it has been ordained by God as a means of sanctification, and He, through His agent, is the only one who can confer what is signified.

The first two requisites are based upon the nature of man (III. lx. 4). Divine wisdom provides for each thing according to its nature and limits ; "to each according to his several ability" (S. Matt. xxv. 15). But it is natural to man to arrive at spiritual realities through sensible things ; and a sign is that by which one communicates with another. Hence, since the holy realities which are signified by sacraments are spiritual blessings by which man is sanctified, they are outwardly expressed by sensible things, just as God speaks to man in the Holy Scriptures in a similar manner.

Considered in themselves, sensible things do not pertain to the kingdom of God (S. John iv. 24 ; Rom. xiv. 17), but only as they are signs of those spiritual realities which belong to that kingdom.

(1) The *material thing* employed in the sacrament must be substantially that, according to the judgment and custom of men, which was determined by Christ for that purpose. For example, the Holy Eucharist requires bread and wine ; nothing else can take their place ; and the bread must be that, leavened or unleavened, which was so named and used at the time when our Lord instituted the Holy Eucharist ; the wine also must be what was known and used as wine. Any substantial change in this regard nullifies the religious act as sacrament. There is no sacrament. Thus some other article of food might be taken ; or currant juice, or some other drink ; but, even if ignorantly done, it would be a profane and idle imitation of a sacrament and destitute of inward grace.

(2) The *form of words* (" *accedit verbum ad elementum, et fit sacramentum*," S. Aug., Super Joan., 80) is grounded (a) on the nature of the Incarnate Word who took sensible flesh ; (b) on the nature of man, since "faith comes by hearing ;" (c) on the perfection of the sacrament itself, which is more fully expressed by spoken words than by

visible signs. Thus the pouring of water may signify either ablution or cooling; but the words, "I baptize thee," manifest that the water is used to signify a spiritual cleansing.

The words employed are an inward thought outwardly spoken in whatever language is used among men. Thus the Greek Catholic will say in his language, "The servant of God, N., is baptized," etc., and the form for lay baptism given in the constitutions of Archbishop Peckham (1279) is: "*I crysten* thee in the Name of the Fader, and of the Son, and of the Holy Goste." But the essential form and meaning are preserved. But this being understood, it must be also remembered that Christ, not man, is the author of sacraments, and that the determinate words and matter which are of Divine appointment are essential to the existence of a sacrament.

Hence it follows (a) that if either matter or form be essentially defective, there is no sacrament, and the priest must act accordingly, ignoring the so-called sacrament.

(b) There may be corrupt intention perverting the words; e.g., heretical denial of the faith may lead to a pretended baptism "in the name of God" or "of Christ," etc. There is no intention to do what Christ and the Church have appointed; there is no sacrament. Or a man at his table may say, "Let us eat and drink in memory of our Saviour;" or in a public assembly, under the influence of the so-called "temperance" movement, grape or currant juice may be distributed. Again there is absence of the requisite intention; there is no sacrament.

(c) Through inadvertence there may be "*lapsus linguæ*." If more or less voluntary it will be a graver or lighter sin; but the essential question will be whether the sense of the words has been materially affected or not. In the one case, there is no sacrament; in the other, the error does not affect it.

(d) A deaf mute cannot act as priest in the most essential

parts of the priestly office. It is impossible to divide a sacrament so that one person should do the visible part and another use the requisite words.

Repetition in case of doubt. Sacraments were made for man, and should be repeated if there be prudent doubt of their validity. Charity, justice, religion demand this.

If there be no such grave doubt, it is sin to repeat them. But reverence for the sacrament requires that the repetition be made conditionally, either mentally or in spoken words. (See the rubric at the end of the Office for Private Baptism.) The words, "If thou art not already baptized," etc., are then audibly uttered, lest persons present may think that baptism can be repeated.

What has just been said applies especially to those necessary rites of the Church of God which can be celebrated only once, viz., Baptism and Holy Orders; in those the doubt need not be so great as in other cases in order that conditional repetition be justified.

But a merely light apprehension that the essential words have not been used will not justify repetition; it is to be taken for granted that all has been duly said and done.

The minister of the sacrament contributes nothing to it by his fitness or holiness, although he, like any other, may add his private prayer for special benediction upon it. The minister, the matter, the words, are one in this respect. God alone works the inward effect of the sacrament, for He alone can reach the soul. Grace is spiritual, and from God only. The "character" which is given by some sacraments as a "sealing" of the soul, can only come from Him who uses material agents instrumentally for His supernatural work.

The prayers which are used in conferring the sacraments are offered to God, not on the part of any individual, but from the Church, whose prayers are acceptable with God

(S. Matt. xviii. 19). Any devout person may ask and be heard also. But the effect of the Sacrament is not from any prayer but from the merits of the Passion of Christ, whose power operates in and through His appointed means. The effect is not more because of a worthier ministrant, although the prayer may gain an added blessing.

The celebration of sacraments has rites and prayers added by the Church, like the consecration of the water for Holy Baptism; not that they are essential, but for greater solemnity and decency, and to excite greater devotion and reverence in those who receive the sacraments.

The Church cannot add to the sacraments, for "they are ordained by Christ Himself" (III. lxiv. 1, 2).

It follows from this that the sacraments can be validly administered by those who are in mortal sin, although for themselves they add new sin to their load of guilt by celebrating in such a state. The instrument acts only through the power of Him who uses it. So the physician who uses the art of his mind in healing others may himself be diseased in body; and the pipe through which water flows may be of silver or of lead.

The *unbelief* of the minister is parallel with any other sin of his. Whether he utterly lack faith or charity, he is still the instrument used by the power of Christ. He may utterly disbelieve that any effect will follow from what he does, but he is not ignorant that the Church for which he acts has faith, and that her faith is expressed in the commission which he has received from her. He acts as her agent, and her faith supplies the lack of his.

(1) But can one give what he does not possess? Can the unclean cleanse the impure? It is not the ministers of the Church who give or cleanse. That is done only by Christ through them by His own power (1 Cor. iii. 5).

(2) But is he not cut off from Christ, since only those who "dwell in love dwell in God"? Yes; but the instru-

ment may be a dead one and cut off from any union with Him who employs it, and yet He may do all that He wills by it.

(3) What is lacking is not what is essential to the sacrament, but what is fitting for decency and reverence (III. lxiv. 5). (Lev. xxi. 17 ; see also the 26th Article of Religion.)

It follows, also, that there is no sin in receiving from such an unworthy minister of sacraments. For it is not the individual as such who is resorted to, but the minister of the Church ; and, therefore, as long as he is tolerated by the Church in his ministry, he who receives a sacrament at his hands does not coöperate in the sin, but communicates with the Church which uses such ministry. But if the unworthy minister be suspended or degraded, then he who receives a sacrament from him does coöperate in the sin.

It has been said that those who are in a state of sin are guilty in administering the sacraments in such a state, since they are profaning most holy things. But there is no need of perplexity in this truth, as if the same person would sin also in refusing to celebrate the sacrament when it is his duty so to do ; for he can repent of his sin. And if he will not repent he ought to be perplexed, for he sins in refusing or in not refusing to celebrate what he was ordained to perform. But in case of necessity he would not be sinning in baptizing one who could find no other minister, for even a layman would be justified in celebrating the sacrament in such a case.

So with regard to open and avowed heretics, cut off from the body of Christ. They may, and often do, neglect the essentials of a valid sacrament, giving neither it nor its grace. But they may fully observe the requisite form, and then their sacrament is valid and cannot be repeated, although the inward grace may be suspended in the recipient until he has found his place in the Lord's body. It is, of *course*, sin to receive the sacraments from such persons,

and no inward grace can be expected therefrom, unless, perhaps, ignorance is an excuse.

It should be understood, also, that the power of conferring sacraments pertains to that indelible "character" which is further explained on page 566; and one who is suspended or degraded from his office does not lose this power, but he is deprived of the right to exercise it lawfully. He confers the sacrament, but sins in doing so; and he who receives it from him sins also, and fails of the inward part, unless ignorance excuse him (III. lxiv. 9).

What shall we say of mock sacraments? The Roman doctrine of *intention* presents serious difficulties, while the Anglican Church seems to have said nothing upon the subject. It is evident, however, that the sacramental action may have more than one meaning; it may be done either seriously or in jest. It could hardly be pretended that a profane mockery of Holy Baptism or Holy Eucharist was a valid sacrament because all outward requisites were present. There is presumed, at least, a serious intention of doing what Christ commanded and what the Church does.

But there is patent objection to a sweeping doctrine that true intention is always requisite—*sc.*, how can any one know another's intention? If, therefore, the intention of the minister be requisite for the perfection of the sacrament, a man can never be sure that he has received it, and must lack the assurance of salvation which it was intended to bestow. S. Thomas Aquinas's words are so moderate and judicious that they seem to be worth quoting in full (III. lxiv. 8): "Some say that the defect of mental intention in the minister is supplied in the case of children by Christ who inwardly baptizes; and in adults who devoutly seek the sacrament by their faith and devotion. And this might be well said as regards the ultimate effect, which is justification from sins. But as regards the 'character' which some sacraments imprint on the soul, it does not seem that de-

vout faith can supply what is wanting in this case, for that is never imprinted except by a perfect sacrament. Therefore, others better say that the minister of the sacrament acts in the person of the whole Church, and in the words which he utters is expressed the intention of the Church, which suffices for the perfection of the sacrament, unless the contrary is outwardly indicated by the minister or the recipient."

"Perverse intention perverts the man's work, not another's. And, therefore, from the perverse intention of the minister is perverted what he does as man, not what Christ does; just as if some one with corrupt intention should carry alms to the poor, which his master had sent with kind intention." (The alms would be equally beneficial whatever the intention might be.)

Of course, this matter of intention should not be misunderstood; whatever view is taken of it, it does not apply to such cases of distraction as are liable to occur when one does not observe what he is doing while using the most solemn words and actions. In such a case the habitual intention of the soul is what counts, although there may be grievous sin in the negligent inattention.

The minister's obligation is to give the sacraments cheerfully and without pay. But he must deny them to the unworthy (S. Matt. vii. 6). This means, (1) that to the secret sinner privately asking, the sacraments must be denied.

(2) That to the open and notorious sinner privately or publicly applying, they must be refused (see the rubric before the Order for Holy Eucharist).

(3) That the secret sinner publicly presenting himself must not be rejected. Scandal, disturbance, and aversion on the part of others are grave public evils which must be avoided, and the priest is not a partaker of another's sin *if he so avoid them*.

Requisites in the subject of the sacraments. The recipient contributes nothing but his preparation for the supernatural work. He can only supply what is required of him as conditions for receiving the grace.

But distinguish what is required of him for a valid sacrament, from what is requisite for the inward part of it, the "*res sacramenti*."

The first does not require faith on his part; for if, unbelieving and in a state of sin, he should receive the sacrament, still it cannot be repeated, if it be a sacrament conferred once for all. Its effect is suspended until the spiritual obstacle is removed.

Again, in infants, of course, no preparation or intention is required. But in adults intention to receive is requisite for a valid sacrament, for none can be unwillingly baptized.

Other sacraments require that one shall have been previously baptized, for they are ordinances "of the living," sacraments for the Church.

A "sacrament of the dead"—i.e., of one uncleansed from his sin—requires acts of faith, hope, and penitence. And the minister is bound, so far as lies in his power, to see that such spiritual acts are elicited from the candidate for spiritual blessing.

For the "sacraments of the living," still more is requisite. He that comes must be in a state of grace; for they are ordained for its augmentation, and they presuppose it. It is an added sin to receive the Holy Eucharist in mortal sin. (See the shorter exhortation to those proposing to receive.) "He that eateth and drinketh unworthily is guilty of the Body and Blood of the Lord."

Why are sacraments necessary to salvation? (1) From the condition of human nature, which is led to spiritual things through corporeal and sensible things; (2) from the present state of man, who by sinning has subjected his affections to sensible things, and it was fitting that God

should apply His remedies to the disease which makes man incapable of purely spiritual things ; (3) from the character of man's pursuits and actions, which are chiefly engaged in corporeal things. Sacraments are ordained in tender mercy to him who would find it too hard to abstract himself entirely from the earthly, while also he must be withdrawn from superstitious use of material things and actions.

The grace of God is, indeed, sufficient for all ; but God gives man that grace in a manner fitted to His creature.

The Cross of Christ is the sufficient cause of our redemption, but sacraments get their power from that, and apply that to the soul. "All we who were baptized into Christ Jesus were baptized into His death" (Rom. vi. 3).

The Passion of Christ has made the sacraments instrumental causes of grace ; i.e., God bestows His gift through them. The instrument is nothing but a material channel for the virtue of the Divine agent (Tit. iii. 5).

This being assumed from Dogmatic Theology, now notice that there are some rites of the Church which cannot be repeated, because they stamp permanently on the soul what we have called a "character," like a seal on wax. Indeed "sealing" is the very word employed in Holy Scripture (2 Cor. i. 21). Such rites are Holy Baptism, Confirmation, Holy Orders. Some spiritual power is received for self or for others, either way for God. Thus the baptized are made a "spiritual priesthood," participators in the eternal priesthood of the First-born among many brethren, offering up spiritual sacrifices acceptable with God through Him (III. lxiii.).

Such character or seal is indelible because it gives a share in the everlasting priesthood of Christ (Ps. cx. 4). The mutable soul of man may lose its grace through his own free will ; but the character does not depend on man, but on Him who consecrates His people.

But what has been said applies only to the Christian *rites* which have been specified ; not, for example, to the

Holy Eucharist, for it is the completion and consummation of the Christian life in union with Christ ; therefore it does not confer this sealing which is for a further end. Holy Eucharist can be many times repeated.

§ 2. Holy Baptism.

We must again assume from Dogmatic Theology what is necessary in determining the law of God. The outward and sensible part of the sacrament of Holy Baptism (the matter and the words) is clearly expressed in the catechism of the Anglican Church. It is (1) "water wherein the person is baptized (2) in the name of the Father, and of the Son, and of the Holy Ghost." The sacrament is an ablution, the "washing of regeneration". (Tit. iii. 5). There is no sacrament in the water as such ; its consecration for its sacred use is a very expressive rite, but not an essential one. Compare in this regard the great sacrament of the Holy Eucharist. The sacrament consists in the application of the water to the human body after the manner of an ablution ; it is water "wherein the person is baptized."

The word which completes the sacrament is applied to the person receiving it ; "I baptize thee," or the "servant of God, N., is baptized." And observe once more that in the other chief sacrament the word, the form of sacramental words, is applied to the elements, not to the recipient.

The inward part is man's justification and illumination—"a death unto sin and a new birth unto righteousness ; . . . by this sacrament we are made children of grace." "In baptism I was made a member of Christ, a child of God, and an inheritor of the kingdom of heaven."

In this washing of regeneration is applied to the soul a sealing consummated in Confirmation, an indelible character which marks it forever, whether in glory or in everlasting loss.

From these dogmatic truths follow—

(1) Nothing else can replace the element of water ; that

is Divinely appointed and no man can make a substitute. "Except a man be born of water and the Spirit, he cannot enter into the Kingdom of God" (S. John iii. 5).

(2) The benediction or consecration of the water, though not essential to the sacrament, is not needlessly to be omitted, for it is added as a becoming rite for greater solemnity and to excite devotion. The rubric does not expressly require it in case of private baptism; but it is indirectly suggested "if time and present exigence will suffer."

(3) Since the form of words contains two essential parts—*sc.*, (a) the indicating of the sacramental act which declares the intention of the Church and distinguishes the act from other ablutions, and (b) the naming of Him who inwardly baptizes, according to the commandment given to the Church (S. Matt. xxviii. 19)—baptism "in the name of God," or "in the name of Christ," or any other such formula of heresy, is invalid. Such pretended baptism must be entirely ignored.

Immersion. It has been said above that the outward part of the sacrament is a corporeal ablution signifying the inward ablution of sins. Christ "cleansed the Church by the washing of water with the word" (Eph. v. 26). And this corporeal ablution may be by immersion of the whole body or of the head. This adds a new signification, not indeed essential to the outward rite, but very expressive of its inward part, the "burying with Christ in baptism."

Since the head is the principal member of the body and the chief seat of the soul, it, if not the whole body, is immersed, or water is poured on it. Such immersion was the usage of the primitive Church, as we find, for example, clearly indicated in S. Chrysostom's 24th Homily on S. John: "We burying our heads in water as in a sepulchre, the old man is buried; submerged, it is hidden there, and again arises in the new life."

It is certainly wise to follow the more general usage of

the Catholic Church through eighteen centuries, although the prevailing custom has usually the warrant of necessity or charity—necessity in the case of the feeble and sick, who would otherwise die unbaptized or be put to the greatest risks ; and it hardly need be said that sacramental obligations do not override the laws of natural right.

It is no less open to remark that three thousand persons cannot rationally be supposed to have been immersed in or near Jerusalem in one day (Acts ii. 41).

Charity may no less imperatively demand the alternative pouring (sprinkling, though valid, being illegal in the Anglican Church). The usual scruples of parents in the case of infants, the absence of sufficiency of the element, the severity of a northern climate rendering baptism in outdoor waters a risk of life, the feebleness of the recipient even when the baptism is not clinic—all these and the like render needless any scruples respecting deviation from the prevalent rule of the Church in favour of the exceptional mode, which also has the sanction of every age of the Church.

The priest, of course, is bound to be sure that the water flows upon the head ; for without this there is no significant washing. And indifferent or unbelieving carelessness in this regard is the ground for conditional baptism in the case of converts from religious sects more or less heretical with respect to sacraments.

Trine immersion or pouring. Either one or three ablutions is valid ; the former signifying the unity of the Name, the latter the three Divine persons named. The laws of the Church in this regard have varied at different periods ; but our own ancient and still unrepealed rule points to the trine immersion or pouring. See also the 50th Apostolical Canon : “ If any bishop or presbyter does not perform the one initiation with three immersions, but with giving one immersion only, into the death of the Lord, let him be deposed. For the Lord said not, Baptize into My death (it is

subordinate in signification], but, 'Baptize all nations in the name of the Father, and of the Son, and of the Holy Ghost.' "

Why cannot baptism be repeated when a convert is received into the outward communion of the Church? (1) Since it is the spiritual new birth, it can be had only once (S. John iii. 5; Heb. vi. 4). (2) We are baptized into Christ's death, and rise with Him into a new life; this can only once be done. (3) An indelible character is given.

The minister of Holy Baptism. The priest receives in his ordination authority to "dispense the word of God and His holy sacraments." This gives validity to his official acts; but he must also have jurisdiction in each particular application of his authority in order that it may be lawful. See Canons of the American Church, title i. 12, § 6: "No minister . . . shall officiate either by preaching, reading prayers, or otherwise, in the parish, or within the parochial cure, of another clergyman, unless he have received express permission for that purpose," etc. (Qu.: Parishioners leaving their parish for the official services of another priest? Has that other priest jurisdiction in such a case?)

As the title of the office of deacon indicates, it is not part of his official work to baptize. As a work of charity, in case the official minister of the sacrament is not accessible, he may baptize infants. So may a layman, but the deacon more fully represents the authority of the Church from which the sacramental commission proceeds, and may celebrate a solemn public baptism, which the layman may not do.

What the priest's conscience ought to tell him the Church has been careful to enforce so far as in her lies. See the unrepealed canons of 1603, Nos. 68 and 69: "No minister shall refuse or delay to christen any child . . .

that is brought to him upon Sundays or holy-days to be christened, . . . convenient warning having been given him thereof before. . . . If he shall refuse to christen . . . he shall be suspended by the bishop of the diocese from his ministry by the space of three months."

"If any minister, being duly, without any manner of collusion [false pretexts for not bringing a child to church], informed of the weakness and danger of death of any infant unbaptized in his parish, and thereupon desired to go up or come to the place where the said infant remaineth, to baptize the same, shall either wilfully refuse so to do or of purpose, or of gross negligence shall so defer the time that . . . it dieth through such his default, unbaptized: the said minister shall be suspended for three months; and before his restitution shall acknowledge his fault, and promise before his ordinary that he will not wittingly incur the like again."

Lay baptism. Unrepealed canons provide for this in case of pressing need; although the first rubric on the subject in the Order for Private Baptism names a "lawful minister." But, in the inquiries to be made respecting the child supposed to be baptized, the matter and the words are all that are named as essentials to baptism.

God has ordained for this sacrament the most universal element, essential to man's life, so that it is the rarest thing in his experience to be where water cannot be had. And so this sacrament, "generally necessary to salvation," can rarely be desired when it may not be had. In case of pressing need, then, any man, or, in his absence, any woman, should do this work of charity. It would be grave sin, however, for the layman to take the priest's official duty upon himself when God's ordained minister can be had; for he would be offending against the reverence due to so great a solemnity.

It follows from this that baptism by heretics, by any out-

side of the Church's communion, is valid, if matter and words be duly employed. Provision is made for conditional baptism if there be prudent doubt concerning this ; but the Church makes no question concerning the person who administered the sacrament.

(1) But how can an unbaptized man give what he does not possess ? I answer that the minister of the sacrament supplies only the outward part ; it is Christ who inwardly baptizes, and He can use all men at His will.

(2) But how can such an one be a minister of the Church, and receive another into the body of Christ to which he does not himself belong ? But he can intend to do what the Church does, and we suppose that he employs the Church's form ; and Christ's power is not bound to baptized men any more than it is limited to His sacramental means.

(3) But if such a man cannot receive the other sacraments, how can he do a greater thing, *sc.*, confer one of them ? The answer is that this sacrament is necessary to salvation, and therefore God provides for its administration generally where it is desired (III. lxvii. 5).

(See, further, a clear and fuller statement of the question in Blunt's Annotated Book of Common Prayer, Introduction to Offices for Holy Baptism.)

It is unseemly, to say the least, for a priest to baptize his own child.

Sponsors. Although the 29th canon of 1603 requires that they shall be communicants, and decent regard for the office would demand the same thing, yet our recent permission to parents to act as sponsors, if it be so desired, seems to be a relaxation of the older discipline ; for parents may be, and in fact often are, godless people. Apart from this permission, it were better to have a single sponsor or none at all beside parents, rather than that there should be *a profane mockery* of a solemn obligation by nominal spon-

sors who have no intention of accepting the obligations involved. And the American Church makes provision for a contingency of this kind. Sponsors are to present the child, "when they can be had."

The parental relation is not directly recognized in the rite. God-fathers and god-mothers present the child, receive it from the priest, and are charged with its spiritual care, which they may see to directly or indirectly. For in the case of a Christian household it may often be assumed that parents will do their duty in the religious education of their children. But if there be reason to apprehend the contrary, the sponsors become directly answerable to God and the Church, so far as their power extends.

Private baptism is only lawful in case of "great cause and necessity." Of course, sponsors are not to be employed, for the child is required to be presented in church for a public reception there, when the sponsor's office is called for. (Qu.: Can a priest be permitted to violate the law of the Church when wilful lawlessness refuses to bring a child to church? May he plead the law of charity? Or must the sin lie at the door of those who know their duty and will not do it?)

The *recipient*. He who neither is baptized nor wishes to be baptized, cannot enter the kingdom of God (S. John iii. 5), for there is manifest contempt of the sacrament. But the desire proceeds from living faith, through which God inwardly sanctifies His creature; and since He is not limited to His own means, He may count the will for the deed, and inwardly justify without the outward sacrament (III. lxviii. 2).

Since the baptism of infants cannot lawfully be deferred, the rubric requires the pastor to admonish the people often that they defer not the baptism of their children longer than the first or second Sunday after their birth, or other holy-day falling between, unless upon a great and reason-

able cause. Such cause would doubtless be in many places the inclemency of the season. But parents should be also instructed not to let a mother's wish to be present stand in the way of dutiful obedience to a law based upon the great necessity of this sacrament.

But in the case of adults there is more than one reason why Baptism should not be hastily administered: (1) The Church takes reasonable care not to be deceived, examining the candidate's faith and morals; (2) she needs time for instruction and spiritual exercises of the candidate; (3) she has usually preferred such solemn times as the eve of Easter and Pentecost, although special exigency, peril, and the like will override such reasons for delay.

The sacrament is for sinners, ordained for their cleansing (Eph. v. 26). But habitual sinners, who have no fixed intention of abandoning every evil course of life, cannot be baptized. ("He who made thee without thy coöperation, will not new create thee without it"—S. Aug.) (1) They cannot be incorporated into Christ, which is the object of the sacrament (Gal. iii. 27); (2) there can be no cleansing when the will to sin remains; (3) there must be no falsity in the sacramental sign; and the outward sign of coming for ablution is utterly false if there be no fixed desire for inward purification (III. lxviii. 4).

Conditions. (1) The candidate for Holy Baptism is a voluntary, if a passive agent. ("Wilt thou be baptized in this faith?") It would be manifest profanity, and no sacrament, if the form were used for one who was forced, or in any way unwilling to receive it. Man can die to the old life only by free renunciation of it; he must intentionally desire the new life. If such a profanation of the holy sacrament should ever occur, it must be treated as void; the sacrament must be duly administered when the penitent sincerely desires it (III. lxviii. 7).

(2) While true penitence for the past and a purpose to lead

a new life are required, and the priest must have reasonable assurance of this, a confession to him is not to be required. If the penitent wish so to do he is not to be refused ; but no penance is to be imposed, no absolution given ; the confession is only for deeper repentance, for truer confession to God, for more serviceable counsels respecting the new life.

(3) The justifying grace of God is given only to faith ; therefore a right faith, explicit concerning the chief truths of the Gospel, implicit concerning all that God has revealed through His Church, is requisite (Rom. iii. 22). "He that believeth and is baptized shall be saved" (S. Mark xvi. 16).

This is not requisite for the character which is imprinted by God only and which is not perfected through faith. If one be truly baptized without the true faith, say, into an heretical sect, the baptism is valid ; but no remission of sins is given, since that requires faith. ("Dost thou believe all the articles of the Christian faith ? I do.")

One who is baptized may not have full faith respecting the sacrament ; but he must intend to receive what Christ instituted and the Church delivers ; that is implied in the very act of presenting himself. ("Wilt thou be baptized in this faith ? That is my desire.")

The baptism of infants. (See the 27th Article of Religion.) Rom. v. 17, 18, applies to infants as included in the human race. They are able to receive the grace from their Lord, the character from God. S. John iii. 5 is absolutely universal in its application. Herein, also, is secured, as far as is possible, the nurture of children in the Christian life. They cannot bring the intention which is required in adults, but the intention of others offers them and is warranted by the Gospel. "As from others they derive the sins which are remitted in baptism, so by others they believe" (S. Aug., Cont. duas epist. Pelag., i. 22).

The parents may be unbelieving, but "children are offered to receive spiritual grace, not so much by those who hold them in their arms as by the whole society of the faithful, by whose charity they are united to the communion of the Holy Ghost" (S. Aug., ad Bonifac., ep. 98).

Consent of parents. It is contrary to natural justice that children who have not reached maturity of conscience and judgment should be baptized without their parents' consent. (Qu.: Suppose that one parent consents and the other refuses?)

When they have reached such age as to be morally and spiritually responsible for their actions in what belongs to Divine and natural law, they are answerable for themselves, and may be baptized without their parents' consent. Human law then holds minors answerable for their actions in similar manner.

What shall we say of idiots and the insane? If the latter, in their previous rational state, penitently desired the sacrament, the suspension of outward manifestations of reason through brain disease is no hindrance to the grace of Christ which they need; they should be baptized. (Cp. Conf. S. Aug. iv. 4.) If they never expressed such a desire, and no charitable ground exist for supposing that they had inward desire and preparation, they should not be baptized.

But the case of idiots, born so, is like that of infants. They are human in their immortal spiritual nature, although its outward action is impeded by defective physical constitution. They should undoubtedly be admitted into the kingdom of God, wherein they may have their place when they are set free from life-long bondage (III. lxviii. 12).

§ 3. Confirmation.

Confirmation has its "outward and visible sign of an inward and spiritual grace." That this sign was used and

appointed by the apostles is unquestionable, and it was therefore virtually, if not actually, "ordained by Christ Himself as a means whereby we receive the grace and a pledge to assure us thereof."

But it holds a subordinate and complementary place with respect to Holy Baptism, as the means of conveying the seven-fold gifts which perfect the greater and more necessary sacrament. The new birth is only the first step towards moral and spiritual manhood. The natural virtues, as we have seen (Part I., page 59), need to be lifted up to the higher plane of the spiritual life, and the seven-fold gifts are ordained for this purpose, making the soul prompt to follow the guidance of the Holy Spirit, and ready in His strength for conflict with the world, the flesh, and the devil, not only inwardly for self, but outwardly against Christ's enemies.

This may justify Bishop Cosin's words, "The nature of this holy sacrament (for so we need not fear to call it in a right sense) will be more easily understood," etc.

But the Catechism of the Anglican Church excludes it from the rank of the two greater sacraments "generally necessary to salvation." Otherwise it would always be conferred, as the Eastern Church, adhering to primitive usage, confers it, at the same time with Holy Baptism.

It hardly needs to be added that wilful refusal, virtual contempt of God's ordinance, is a bar to salvation.

The visible sign or "matter." The Church has used as the matter of Confirmation either the laying on of hands, the sign of grace conveyed; or unction, the Scriptural sign of the Holy Ghost, or both of them. Both appear to have Scriptural warrant (Acts viii. 14; xix. 6. Heb. vi. 2. 2 Cor. i. 21. 1 John ii. 27).

Those who have regarded Confirmation as a sacrament in the narrowest sense of the word have not agreed respecting the essential matter, the visible sign. But the Anglican

Church, by her action in recent ages, has shown that she regards the laying on of hands as the essential sign ; the other as an added expression of significant meaning, which may be omitted without detriment to the rite.

The words or form. The Anglican Church does not seem to regard any form of words as essential to this ordinance, which fact again will distinguish it from the greater sacraments, wherein the words admit of no essential change.

The *spiritual grace*, as already intimated, is that of strength for spiritual combat. It is a further "sealing," in addition to that of Holy Baptism, and is so called in Holy Scripture. It also imprints a character. The spiritual priesthood of the Christian receives a grace for its outward manifestation.

The age for Confirmation. As a "sealing" and the complement of Holy Baptism, it naturally follows immediately after the greater sacrament (Tert., De Bapt. vii. 8 ; S. Cypr., ep. 70). But the Anglican Church indicates the reason for deferring what is not absolutely necessary to salvation, saying, "To the end that Confirmation may be ministered to the more edifying of such as shall receive it, the Church hath thought good to order that none [hereafter] shall be confirmed but such as can say the creed, the Lord's Prayer, and the Ten Commandments ; and can also answer to such other questions as in the short catechism are contained ; . . . to the end that children being now come to years of discretion [*i.e.*, power to distinguish between right and wrong], etc." Here is no fixed rule established respecting the age of confirmation ; nor is there any rule elsewhere appointed. To the same effect, but more precisely, is the charge given to sponsors : "Ye are to take care that this child be brought to the bishop to be confirmed by him, so soon as he can say," etc. With careful instruction according to the charge *given*, children should ordinarily be ready on or before the

age of twelve, and they will have power of moral "discretion;" but circumstances certainly vary too widely for any more precise rule to be given.

Instruction of children. Both the English and the American Church make this very explicitly the duty of parish priests, and of deacons whose official duty it is "to instruct the youth in the Catechism." The 59th canon of 1603 begins, "Every parson, vicar, or curate, upon every Sunday and holy-day, shall, for half an hour or more, examine and instruct the youth . . . in the Ten Commandments, the Articles of the Belief, and in the Lord's Prayer; and shall diligently hear, instruct, and teach them the Catechism set forth in the Book of Common Prayer." The American Church is less definite, although she orders to the same effect (title i. can. 19): "The ministers of this Church who have charge of parishes or cures, shall . . . be diligent in instructing the children in the Catechism." Whatever may be said of "Sunday-schools," it seems quite certain that "Bible lessons" there are no substitute for this obligation, but rather, on the contrary, an immoral evasion of a sacred duty.

The American Church has even ordered the duty of the diocesan with regard to Confirmation (title i. can. 13, § 11): "Every bishop in this Church shall visit the churches within his diocese at least once in three years, for the purpose of . . . administering the apostolic rite of Confirmation," etc.

Requisites for Confirmation. (1) The unbaptized cannot be confirmed, for the grace is the complement of that of Holy Baptism. Baptism is the gate which admits to all Christian privileges; and outside of that door there are no sacraments. Therefore, if one discover that his reputed baptism was void, he should be again presented for Confirmation,

even if he have gone to the bishop before. (The same principle applies to Holy Orders. An unbaptized person cannot receive the grace ; he has never been validly ordained, even if the outward form have been celebrated for him.)

(2) Since Confirmation is a "sacrament of the living," he that receives it must be in a state of grace ; he must bring a penitent and believing soul, according to his age and capacity ; but the grace conferred, if rightly received, may deepen that penitence and faith. The faithful pastor has the one special opportunity in the life-time of his spiritual charge for the most direct and thorough private spiritual guidance. The age of the candidate, the tender and solemn feelings awakened, the dawning sense of responsibility to God and man, the special possibility at that period of a true conversion from the errors of childhood, open a way for God's priest to the inmost recesses of the soul, whither he may carry the Word of Life. Woe to him if he negligently prefer his own ease to this private ministration to each individual soul.

Such a time is an eminently proper one to encourage the young disciple to make his first confession, if, as is probable, his conscience, being awakened by the admonitions given, be not at rest. He will need little encouragement to "open his grief," although the Church has given no such exhortation to him as he will receive at the time of his first communion.

(3) In case of doubt, conditional Confirmation is permissible, although the obligation is not to be pressed on one who reasonably thinks that he has received the sacrament.

The sick are to be confirmed if they desire and Confirmation can be had ; but it is not to be urged as "necessary to salvation."

Finally, "there shall none be admitted to Holy Communion until such time as he be confirmed, or be ready and

desirous to be confirmed." If fit and prepared for the lesser rite, he is fit and prepared for the greater, and not otherwise. But, also, if fit and prepared for the receiving of the Lord's Body and Blood, he cannot refuse the grace and the "apostolic rite" without the mortal sin of contempt of God's order. If the thing be known, it is an "open and notorious sin."

But the law of the Church which binds the priest's conscience always, because it is a negative precept, must not be misunderstood. As in the case of any other sin, a person who publicly presents himself while guilty of this contempt, cannot be excluded from Holy Communion without grave scandal. "Admission" must therefore be regarded as express consent given to a person's so presenting himself. A priest cannot give such consent without violation of law, which is an offence against God and man.

§ 4. The Holy Eucharist.

Moral Theology cannot present the law which binds our consciences respecting this transcendent mystery without assuming from Dogmatic Theology the revealed truth concerning it. The law is based on the truth. He that rejects the law virtually denies the truth. He that denies the truth knows no law claiming his obedience for which he must answer before the bar of God.

It is not possible here to do more than briefly to state the truth as the Catholic Church receives it, and in her liturgies gives it, teaches it, and confesses it by her faith before God. *Lex credendi* is both *lex orandi* and *lex faciendi*.

Many questions, also, regarding the manner of celebrating this august rite, answers to which bind the devout priest as part of his law, must be relegated to the department of liturgies and ritual.

First in order of time the Holy Eucharist is a sacrifice, a sacred thing offered to God in memory of the Cross and Passion of the Lord, a sacrifice of thanksgiving for the inef-

fable benefits of that meritorious sacrifice which it presents before God through the great High Priest. It is offered for the obtaining of "remission of sins, and all other benefits of Christ's Passion."

Secondly, it is a Holy Communion through which we participate in the perfect nature of Christ, perfect God and perfect man in one indissoluble unity, and through Him are united to one another in the mystical Body. It is the "*Viaticum*" as the appointed way to the future glory of the saints. We will consider the doctrine and the law of each.

(1) *The Holy Communion.* The outward part or sign is "bread and wine which the Lord hath commanded to be received."

The inward part, the "*res sacramenti*," is "the Body and Blood of Christ which are verily and indeed (spiritually) taken and received by the faithful," *i.e.*, the baptized people of Christ.

Here at once we must notice a distinction between this sacrament and what we have previously examined. The inward part of Baptism is "a spiritual grace," whereas in the Holy Eucharist the inward part is distinct from "the benefits whereof we are partakers thereby." It is really and truly what is signified by the outward part. No such thing can be affirmed of Holy Baptism. The consecrated water is not *per se* the sacrament; that consists in the ablution with the use of the sacred Name; but receiving bread and wine in memory of the Lord's Passion is not the Holy Eucharist. This is completed in the consecration, although consumption perfects the sacrifice.

The sacrament, sign and thing, was ordained for the food of the soul. The consecration makes such food by the power of Him who is the Giver and the Food.

The truth of the Real Presence, then, is essential to a *comprehension* of the Divine law of the sacrament. The

inward part of the sacrament is really and truly in, with, and under the outward part, but spiritually, not after the manner of natural bodies, because the Lord's body is glorified ; therefore not locally subject to laws of time and space. This Real Presence, real because not figurative nor merely virtual, is admitted to be unimaginable, because our knowledge of body is derived through the senses, and the body of the Lord is not subject to the laws of sense. The Presence is discerned by reason and faith alone. "If thou hast spiritually understood the words of Christ respecting His Body, they are spirit and life to thee ; if thou hast understood them carnally, they are still spirit and life, but not for thee" (S. Aug., *Super Joan.* 27).

But the Presence is the presence of Christ, God and Man ; where His glorified Body is, there is His glorified Soul, and there, in special manner, is His Divinity, which was never separated, not even in death, from His human nature. The "*res sacramenti*" indeed is the glorified Body and Blood ; but by natural "concomitance," all that Christ is, is there, making "His Flesh meat indeed, and His Blood drink indeed." He is in both parts of the sacrament, for they are one and not two ; but He is there in different manner, and for different ends. Where His glorified Body is, there is His Blood, for "He dieth no more." But it is joined to His Body by natural concomitance, not by the act of consecration. And the case is similar in the sacrament of the Precious Blood. Both re-present the "full, perfect, and sufficient sacrifice," but the sacrament of the Precious Blood specially re-presents that which was shed for the "remission of sins." *

Christ is not present after the manner of bodies with their three dimensions. However the consecrated elements

* Two elements do not make two sacraments. There is one spiritual food (S. John vi. 56), though there are two outward parts, because it derives its virtue from the Passion of Christ which it commemorates, and in that Passion His Blood was separated from His Body.

are divided, the Presence is not withdrawn from any part. Each and every part is a perfect sacrament, outward and inward.

The law of the sacrament The *matter*, the outward and visible sign, must be, (1) wheaten bread, the purest that can be obtained. The common article sold under that name, more or less mixed, may suffice for a valid sacrament; but believing reverence will certainly seek for something different, if it may be had; "the best and purest wheat bread that conveniently may be gotten" (English rubric).

It may be leavened or unleavened; and the laws of the Catholic Church from the earliest ages have differed in this respect; but the words of the English rubric as they now stand—*sc.*, "It shall *suffice* that the bread be such as is usual to be eaten"—compared with the rubric of 1549, suggest that the law of the Western Church is not repealed, but only permission given to deviate from it for weighty and sufficient reasons. Very good reasons, based on decency and reverence, may be given for complying with the old law and custom of the English Church, as renewed at the Reformation: "It is meet that the bread prepared for the Communion be made . . . unleavened and round, as it was afore, but without all manner of print," etc. "And men must not think less to be received in part than in the whole, but in each of them the whole Body of our Saviour Jesus Christ."

(2) The wine must be true wine; *i.e.*, the juice of the grape, not that of currants, apples, or the like. Christ so constituted His sacrament, and man has no power to change it. The unfermented juice of the grape is certainly unlawful material; whether it annul the sacrament is, perhaps, an open question. But, also, it must not be overlooked that pure wine being liable to acetous fermentation, *if that change* be complete, there can be made no sacrament

of the Blood. The consecration must be repeated with true wine.*

The *mixed chalice*, following the example of our Lord, who blessed the cup to which a little water had been added, has the warrant of all parts of the Catholic Church, was required by rubric at the Reformation, and is most expressively significant of the union of the Divine and human, first in the Incarnation, then in the Holy Communion. But the omission of the rubric undoubtedly suspends the law. Whether the opposite usage is now obligatory is quite another question. (See the recent judgment of the Archbishop of Canterbury.)

The quantity of water added must be very small.

The form. The words of consecration spoken in the person of Christ, who invisibly consecrates, are invariable. The nature of the sacrament itself is illustrated by comparing the variable words in communicating the faithful with the absolutely unchangeable form of consecration. S. Thomas Aquinas, III. lxxviii. 1, clearly presents the subject: "This sacrament differs from the other sacraments in two particulars; first, that this sacrament is perfected in the consecration of matter; but other sacramental rites in the use of consecrated matter. Secondly, in those the consecration consists only in a benediction, . . . but in the Holy Eucharist it consists in a change which can be accomplished only by God's power. Hence the minister in this sacrament can only utter the words. [In Baptism he must pour the water; in Confirmation he must lay his hands on the candidate, etc.] And, therefore, the form of this sacrament, as suitable to the end, differs from other like forms in two respects. First, the others imply the use

* As there is reason for thinking that the consecration of the bread is completed before the other consecration is begun, it may be held that the previous consecration counts, and that the wine only, if it can possibly be obtained, need be consecrated.

of a sign, as, 'I baptize thee' (or, 'Receive the Holy Ghost for the office and work of a priest in the Church of God, now committed unto thee by the imposition of our hands'). But the form of this sacrament expresses only the consecration of matter. And, secondly, other like forms are expressed, like those just given, in the person of the minister, either as doing the act, or claiming authority, or imploring the Divine gift (as in the absolution of the liturgy, 'Have mercy upon you,' etc.). But the form of this sacrament is uttered in the person of Christ, that all may understand that the minister contributes nothing to its perfection, but only utters the words" (while Another consecrates the elements).

The minister. The priest in his ordination receives authority to consecrate the Holy Eucharist. He is enjoined to be "a faithful dispenser of the Word of God and of His holy sacraments," of which this one is chief. But he needs power of *jurisdiction* if he exert his office for the benefit of the faithful. He is not a minister to all mankind, but to that flock committed to his care. And we have seen already (page 570) the law of the Church which regulates this jurisdiction.

If Holy Orders are indelible, however, lawlessness or any other sin—*e.g.*, heresy or schism—does not take away the power of making a valid Eucharist. The priest sins in using his functions, and the *res sacramenti* gives him no spiritual grace, but rather that condemnation for unworthy approach to sacred mysteries of which the apostle speaks. And the faithful are certainly bound to avoid him, and not to be partakers of his sins (2 Ep. S. John v. 11).

Distinction, however, must be made between one who is publicly sentenced by the Church and one who is privately known to be wrong. For the latter is still the minister of the Church, and it is not partaking of his sin to join in his sacrifice where he has jurisdiction, and to receive the Holy Communion from his sinful hands.

Doctrine and law of reception. How can we express in few words the benefits which are partaken by a devout reception of the Holy Communion? They are all which Christ gives to the loving soul; for, in giving Himself, He gives all—(1) Increase of grace previously bestowed, sustaining and strengthening the spiritual life; (2) new gifts of grace according to devout prayer for it; (3) the weakening of sinful concupiscences, so that devout reception becomes a spiritual medicine for the weak; (4) through increase of love, and therefore more sincere contrition, pardon for venial sins committed; (5) union with Christ (S. John vi. 56); (6) union with His members in the one mystical Body; (7) preservation in future temptations; and, lastly, (8) the pledge of glory (v. 54).

This is a sacrament of the *living*, and he that eats must first be cleansed (1 Cor. xi. 29). If he himself place impediments in his way, he cannot be united with Christ, though he receive His Body and His Blood. (See 29th Article of Religion.) He is not a “partaker of Christ;” *i.e.*, he does not spiritually receive the precious nutriment of his soul.

The distinction, then, between a sacramental reception and a spiritual communion is real and fundamental. The sacramental may lack the spiritual effect, while, on the other hand, the rubric respecting the communion of the sick gives most explicit instruction concerning spiritual communion where there is a hearty desire and preparation for sacramental communion.

Children who have not reached the “age of discretion” are not in the Western Church admitted to sacramental communion, yet it would surely be derogatory to the love of their Saviour to suppose that the devout desire of the Church which brings them to Holy Baptism is unavailing for their spiritual communion with Him.

But he that receives in mortal sin is further guilty of sacrilege. He signifies by his act that he is united with

Christ and incorporated in the mystical Body, which cannot be without faith and love. Therefore he acts a profane lie.

He may do this ignorantly—ignorant of the law which he has broken, but which does not excuse him for his ignorance ; or, ignorant of his sin, because he has not examined himself as he is bound to do (1 Cor. xi. 28) ; and he sins in receiving, because his very ignorance is sinful. But, again, he may grieve for his sin, and resolve to avoid it, while he has not that perfect contrition which would spring from perfect love ; then his contrition will be deepened in the reception itself. He has not sinned in the reception. Or he may have forgotten his sin even with due examination of himself ; then his general contrition will doubtless make him a worthy communicant (III. lxxx. 4).

What was said (page 564) with reference to the minister's giving the sacraments to the unworthy need not be here repeated.

Fasting communion. Catholic custom and law are unvarying in this respect. The few exceptions only prove the rule. S. Augustine is trustworthy witness to usage when he says (Ep. ad Januarium, 54) that that custom "is observed throughout the world ;" so that he is bold to say : "It pleased the Holy Ghost that in honour of so great a sacrament the Lord's Body should enter the mouth before other food."

The words "fasting communion" may be somewhat misleading, since fasts are an exercise of penitential devotion. Such fasting precedes the day of reception ; but here the words simply imply that the Holy Food shall be the first to be taken on the day of reception, counting from the beginning of that day.

Communion in the evening naturally involves a violation of this law and custom.

Spiritual devotion, from which are gained the effects of *this sacrament*, naturally demands that the offering of the

soul in Holy Eucharist be the first duty of the new day ; and if an act of private thanksgiving be added, there will be, after reception, a decent separation made between the heavenly banquet and the common table of home, with the other occupations of the day.

At the same time, it should surely be remembered that "fasting communion" is not a moral law, but an outward observance, which, like any other positive law of Church or State, admits of exceptions. Even where the law is strictest, exception is made in case of communion of the sick. And parity of reasoning may apply the same judgment to other cases of infirmity, especially in a rigorous northern climate. For no merely positive law overrides the certain demands of a weak, sickly nature ; nor should such be deprived of sacramental communion when it may be had.

(Qu. : If necessity, which knows no law, compel a violation of the rule for the sake of charity, is there any good reason for partial abstinence ?)

Decent reverence for the consecrated water of Holy Baptism requires that it be carefully removed ; say, by an outlet at the bottom of the font, or otherwise. And yet that water is not a sacrament. But the sacrament of the altar is perfected in the consecration, and the *res sacramenti* remains there as long as the outward part endures in its natural condition of bread and wine. Hence comes the obligation of reverent consumption of what remains after communion, and the profanity of carelessness respecting fragments of the consecrated elements. Wilful negligence is due either to unbelief in the Church's doctrine or to sinful profanity.

Also, it will be seen that if taken from the church to the sick, or kept for that purpose, it is still the sacrament, both matter and thing.

The "Viaticum." Although the Greek Church gives the Holy Communion to infants after their baptism, the general

law of necessity of sacramental reception seems to apply to those who have some use of reason, however imperfect it may be, and who can therefore offer some inward devotion in their receiving. This being understood, it appears that the *Viaticum* should be administered to all baptized persons who are old enough to receive it devoutly, and have shown some desire for it, some inward devotion to the Lord who died for them, some contrition for their errors and their sins, the minister putting the most charitable construction upon words uttered in feebleness, and perhaps in pain.

The fact that before the priest arrives to give the *Viaticum* the sick has lost his reason, can hardly be considered a bar to fruitful reception, if previously he were penitently desirous and prepared to receive it. The sick is like the infant receiving Holy Baptism, but has added his own faith and love to his spiritual needs. If he is to be debarred, would not distraction of mind at the instant of receiving be also a bar to fruitful reception on the part of the most sincere penitent who presents himself at the altar? Surely the love of Christ finds no obstacle in such a case. This also is the law of the Church whenever she has made any declaration upon the subject; *e.g.*, of the Fourth Council of Carthage, can. 76: "If it is believed that he is dying, having sought reconciliation with God before his delirium, let him be reconciled by the laying on of hands, and let him receive the Holy Eucharist." One who has never had the use of reason, or has never shown evidence of penitence and desire for the *Viaticum*, must be left to his Judge. (Qu.: Can the deacon, in case of absolute necessity, carry the *Viaticum* and administer the same?)

Frequent communion is rather a matter of counsel than of precept. But the law of the Anglican Church fixes a minimum in three times a year. (Canons 21 and 22 of 1603):
 "Every lay person is bound to receive the Holy Commu-

ion thrice every year," "whereof the feast of Easter to be one." Christmas and Whitsuntide, though not named in those canons, are properly the other two seasons for receiving.

(2) *The Eucharistic sacrifice* is offered to God as "the memorial His Son has commanded us to make," saying, "Do this in remembrance of Me." It is offered as a sacrifice of thanksgiving "for the innumerable benefits procured unto us" by Jesus' Passion and Death, His Resurrection and Ascension, for it is not the sacrifice of a dead victim, but it is offered by a living High Priest who offers Himself. It is offered through the merits of our Saviour, and in its inward part offered by Him for the "obtaining the remission of sins and all other benefits of His Passion," for those who offer and for "all His whole Church."

It is then the duty of every priest to fulfil the function for which he was ordained and to offer this holy sacrifice as often as he may, the ordinary maximum being once daily, except on special occasions like Easter, Whitsunday, and Christmas, or when serving two congregations. The Anglican Church seems to have fixed no minimum; but as the question now before us is of the offering of the Christian sacrifice, not of the communion of the people, it is evident that the priest who has no cure is not released from his obligation of making frequently the Eucharistic oblation.

The American Church has omitted the rubric requiring the presence of some of the faithful at the sacrifice to represent the congregation. But the law must still be considered binding that, except in case of unforeseen accident, there shall always be some one at least to unite with the priest, and claim the promise that "when two or three are gathered in Christ's name, He will be with them."

Christ has been immolated once for all; but in this memorial sacrifice the "one, perfect, and sufficient sacrifice"

is re-presented to God, and its effects become fruitful for us and for all in whose behalf it is offered (III. lxxxiii. 1).

Provision is made for fulfilling S. Paul's injunction through S. Timothy (1 Tim. ii. 1), at the Offertory prayer, and for the departed after the consecration, in the words "we and all Thy whole Church;" and although there is no positive law to that effect, there can be no good reason for not inviting the faithful to join inwardly in those special intercessions for individuals which the devout priest will desire to make at those periods in the liturgy.

CHAPTER VIII.

SACRAMENTAL PENITENCE.

§ 1. The virtue and the sacrament.

Penitence is a moral virtue of the will, producing painful detestation of past sin from some spiritual motive, with purpose of casting off that sin and of bearing whatever God may lay upon the penitent as a penalty (not equivalent) for his sin.

As a moral virtue of the will, it should be distinguished from the inward sorrowful passion of sensibility, sorrowful shame, pain at loss or disgrace, and the like, which are not part of the virtue, although they may accompany it. Tears, therefore, and similar signs of sorrow, although they are natural, are not parts of repentance, though they may be signs of it. But they may also be absent from true repentance. The virtue is in a will which freely chooses to forsake evil, and in a rational soul which detests its actual sin as an offence against God. As such a virtue, not as a passion of the sense-appetite, it is commanded, because we can freely intend to blot out sin so far as lies in our power to do so, and to use the Divine means for removing it. Such a repentance proceeds from filial fear, and can spring only from some love of God in the soul (III. lxxxv.).

Perfect repentance blots out all sin through the merits of Christ's Cross (Ezek. xviii. 21), for the Passion of Jesus our Saviour avails for the sins of the whole world (1 Ep. S. John ii. 2). But the condition required implies the ability to repent, not merely the feeling remorse for the consequences of sin, but the hating it for God's sake. For so

sin that man wishes to be destroyed, will God permit not to be destroyed. The blasphemy against the Holy Ghost which is irremissible, seems to be that sin which comes from such utter hardness of heart that no repentance will ever follow it.

Furthermore, repentance is an indispensable condition of salvation ; and no actual mortal sin can be remitted without it. For the offence of mortal sin consists in aversion from God and turning to some transitory good. Hence for its remission is required that our will be so changed that it turns to God with detestation of that choice of other good and full purpose of amendment of life. This is the virtue of penitence (III. lxxxvi. 1, 2).

Since venial sin is not absolutely inconsistent with the love of God, a general sorrow for whatever is displeasing to our Father, and a sincere and persistent effort against such offences, a general confession of them in the Lord's Prayer so far as they are perceived, may be acceptable proofs before God of a penitent mind with respect to such transgressions (III. lxxxvii. 1).

The consequences of sin are not taken away in its remission. The soul turns to God and is forgiven, but the disposition to fall, and other penalties also, may still remain, the "chastening" of the Lord.

But our Lord instituted a *sacrament of penitence* for the remission of sins committed after baptism (S. John xx. 23). No material thing is consecrated as the instrument of Jesus' love for sinners, but He consecrates certain living agents to do His will.

And yet, in the narrowest and strictest sense of the word sacrament, this gracious gift of Jesus' love may not be so entitled in the Anglican Church. For though there is an "outward and visible sign of an inward and spiritual grace"—*sc.*, the person consecrated for the purpose—we *may not be able* to say that any one visible or audible sign

besides the minister of grace is so determined by Christ's institution that the grace given is inseparable from that sign or those words.*

The schoolmen, in accordance with their theory, made sins as detested, the matter of the sacrament; inward repentance, the *res sacramenti*; the form lately adopted in the West—viz., "*Ego te absolvo*"—the necessary words; and the remission of sins, the spiritual gift. But the Anglican Catholic will regard this scholastic subtlety as a needless narrowing of the gracious love of the Redeemer.

The matter. Although the 25th Article mentions the fact that the Lord seems to have attached His absolution of sins to no "visible sign or ceremony," the laying on of hands is an apostolic sign of the conveyance of some special grace, and it became so commonly associated with sacramental absolution that the rite itself was called by that name (Conc. Carthag. 4). But though, for the reasons just given, this ceremony cannot be considered as essential to a valid sacrament, and in the public absolutions of the Church it is quite impossible, yet in private confession it will be certainly expedient to follow primitive usage in this respect when the absolution is given. (See Blunt's Annotated Prayer Book, page 285).

The form. S. Thomas Aquinas (III. lxxxiv. 3) shows that the words, "I absolve thee," are most suitable, "*convenientissima*," but not that the grace is tied to that form; and we know that the early Church seems to have employed precatory forms, like those now used in the Anglican Church in public absolutions. But the priest is consecrated with authority to do what the more personal words, like the corresponding form, "I baptize thee," express; and though not

* See Homily on Common Prayer and Sacraments. Nothing here or elsewhere said of sacramental ordinances in the Church must be construed as consciously conflicting with that homily, which the writer *ex animo* accepts.

necessary for validity, those words are eminently suitable ones for private absolution, as in fact the English Church requires them in the only case where the form of private absolution has been appointed; *sc.*, in the confession of the sick. On the other hand, the American Church, in her only provision for private absolution after confession, *sc.*, that of prisoners appointed to die, has required the Absolution of Communicants to be used. Either form, then, must be regarded as equally valid; but the one is personal, the other plural in form, and seems therefore less suitable for the ordinary exercise of this sacerdotal office.

Christ Himself has ordained this sacrament in His Church, but not as "generally necessary to salvation" in the sense in which the two greater sacraments are necessary. For Baptism and Holy Eucharist would be needed for all in order to attain to union with Christ, under any circumstances; but this is a refuge in case of lapse from baptismal grace, necessary as medicine in sickness, the ordained means for spiritual cure by Him who said, "Whose sins thou dost remit they are remitted to them; and whose sins thou dost retain they are retained."

Contrition for sin being regarded, in accordance with the spirit of the Anglican Church, as the requisite condition for a beneficial use of this ordinance, whether in private or in public ("Ye who do truly and earnestly repent you of your sins," etc.), its three parts will be (1) confession, (2) absolution, (3) satisfaction.

§ 2. Contrition.

Contrition is detestation of past sin, which causes inward pain on account of it and humbling before God, with fixed purpose not to offend again, and cheerfully to bear whatever God may impose because of it. It is perfect when it proceeds from charity, from the love of God. It is imperfect

when the motive, although supernatural, is lower—*e.g.*, thought of the baseness of sin, fear of hell, not merely of temporal consequences, and desire of heaven. But this imperfect contrition may be, and doubtless often is, deepened into perfect contrition for sin as an offence against the love of God, by a devout use of this means of grace.

Contrition, however, in both cases must be complete to be effectual ; *i.e.*, the sin must be detested more than anything beside, and the penitence must be, implicitly at least, universal, as including all sins.

Intensity of feeling, as we have seen in viewing the virtue of penitence, is not essential to complete contrition ; for it is in the rational soul which hates and detests sin, not in the sensitive feelings, except accidentally and by a kind of overflow.

Some sins may be forgotten, and then only a general contrition, like that expressed in the daily offices of the Anglican Church, can be offered to God. But they may be partially forgotten, and then the searching of conscience which is obligatory will bring them more fully before the soul, and will itself be a sign and cause of more complete contrition.

The purpose for the future must be an efficacious one ; *i.e.*, the fixed intention of using all necessary means and efforts to avoid all occasions of sin. (Qu.: Expressed fears of relapse?)

Such contrition, finally, is life-long ; for the lost state of innocence can never be recovered, the time lost in the turning from the road to blessedness never brought back ; and pardon therefore does not wholly wipe out the past.

Perfect contrition, with purpose of confession to God and due satisfaction, gives full restoration to His love, a full title to absolution. Charity covers the multitude of sins, and brings full remission of their eternal consequences.

§ 3. Confession.

Confession is an outward act of penitence, made with the

lips which speak to God. It is public, made with the whole congregation assembled together, or it is private confession of particular offences made to the minister of God's absolution alone, in order that pardon may follow for the individual soul. The manner of confession is a matter of positive ecclesiastical law, and has varied in different parts of the Church in different ages.

Since the Anglican Church has now no positive law respecting confession, even in case of mortal sickness, the sinner being only counselled in the matter, private confession must be regarded as subject of counsel, not of precept. The argument for it, so far as the penitent is concerned, is the greater certainty of the requisite conditions of absolution; the confession, not in general terms, but of actual particular offences against Divine love. The very act of confession, where it is not obligatory, which is our own case, makes the private act a far more weighty sign of true contrition than the habitual and familiar words of a general confession can be.

The Roman argument for the necessity of private confession, so far as the minister of absolution is concerned, is based upon his office as spiritual judge. He is to receive the worthy, to reject the unworthy, to bind and to loose on earth what is bound or loosed in heaven. But it is evident that the priest's judgment must necessarily be limited to what is truly and fully laid before him. So far we can be of accord with Roman discipline. The question asked by the penitent, "Am I fit to come to Holy Communion?" may well be answered by the counsel, "Make your private confession, and then your priest will be your earthly judge, and give you, if you be truly penitent, the comfortable personal ministration which God has employed him for."

But the assertion that he is to be judge in *all cases whatsoever*, is not that of the Anglican Church; it does not seem possible, even if expedient; for it implies a knowledge *which cannot* be had, which even the penitent himself may

not have. How, for example, can he be judge of sins which the penitent has forgotten, or of the reality of a general contrition for those offences? Neither has trial proved it expedient, if supposed to be possible, judging by such testimony as we find in Gaume.

The Anglican Church gives warning that we must judge ourselves, so far as that is possible; she commands a confession following on self-examination, and there would seem to be no good reason for not making very brief pause in order to recall the "manifold sins" . . . in "thought, word, and deed."

But if the private confession be made, there are plain obligations of the priest in hearing it.

(1) He must avoid all signs of wonder, horror, even of rebuke, during the confession, lest the penitent be discouraged and even cloak his sins. Let him rather give encouragement to continue, because there is no sin too great for the love of Jesus to cleanse.

(2) He must allow no needless mention of others' faults; even coöperators in sin must not be named, and the approach to that must be promptly checked.

(3) If ignorantly in fault the penitent may be better instructed (*a*) in what is necessary to salvation; (*b*) when society is concerned and scandal is to be avoided; (*c*) when the penitent himself is in doubt and makes inquiry; (*d*) when there is reasonable hope of ultimate good from doing so, and no danger of great injury to any other. If none of these four conditions be present, the confessor is not always bound to make known obligations which would probably be not fulfilled if known. Silence is sometimes golden. For example, restitution may be certainly due, but the penitent has been acting in good faith, and will certainly not be able to see his obligation.

(4) After the penitent has finished what he has to say, only the fewest and most necessary questions should be asked, and those suited to the age and person. Spiritually

intelligent adults may need none, except perhaps to elicit necessary or qualifying circumstances.

Boys, and in general those unaccustomed to self-examination, may be assisted in this respect.

(5) In questioning children, say, in preparing for Confirmation, the utmost caution must be used respecting purity of life, lest they be prompted to evil knowledge ; but, on the other hand, it may be quite too readily presumed that no unchaste words or actions have defiled their souls, even in the case of girls.

(6) The sick need, of course, the greatest tenderness ; and in mortal disease favourable presumption must be stretched to its utmost limit. Half-articulate words, distracted attention, drowsiness, the effect of medicines exciting the brain, or producing partial delirium or somnolency—all these and the like seem almost insuperable obstacles, and charity will take the most favourable view which circumstances reasonably allow.

The *seal of confession* can under no circumstances whatever be broken. Outside of his ministry for God the priest does not know what in confession he hears ; it must be as though it had never entered his ears. Not even to the penitent himself may God's minister allude to it, without permission first asked and obtained ; and this even when action with respect to others is expedient. The Anglican Church, while recognizing private confession, has ruled that the seal is sacred, adding, however, an exception from the ordinary law of the Church. Canon cxiii. of 1603 says,* "If any man confess his secret and hidden sins to the minister, . . . we do straitly charge and admonish (said minister) that he do not at any time reveal and make

* References of this nature are based on the assumption that unrepented canons of the English Church (*mutatis mutandis*) are part of the Canon Law of the Church in the United States.

known to any person whatsoever any crime or offence so committed to his trust and secrecy (except they be such crimes as, by the laws of this realm, his own life may be called into question for concealing the same), under pain of irregularity"—*i.e.*, of deposition.

§ 4. Absolution.

The Church has received the keys of the kingdom of heaven (S. Matt. xvi. 19). The door stands open, because Christ has opened it, to all believers. But it is sin that closes it again, and the power which removes that obstacle is called a "key." God alone has that power; but in the Man Christ Jesus was that power to take away that obstacle by the merits of His Passion, and He has the keys. But the ministry of them is on earth, and has its outward as well as its inward part. As He inwardly washes in Holy Baptism, employing the visible element of water, so He inwardly absolves, employing the consecrated instrument on earth.

But the keys are a power of binding as well as of loosing, of shutting as well as of opening. As God Himself puts no impediment in the way of any one trying to enter the kingdom of heaven, but withholds His grace from the unworthy, so the priest can make no impediment on earth, but he may be bound not to use the keys in opening and loosing, because he cannot remove impediments unless God first inwardly take them away. God Himself must first absolve, in order that there may be place for the absolution of the priest. If God do not absolve, the other is an empty form.

Furthermore, in this, as in every other ministerial act, the priest must have *jurisdiction* as well as authority. Such jurisdiction he receives when some part of the Lord's people is committed to his care. Special jurisdiction he may receive in special cases, as the law, custom, or special license of the Church allows.

(Qu.: Must not consent of the pastor be had in receiving the private confession of a parishioner ?)

The chief earthly union with Christ is in Holy Communion ; but it is a sacrament of the living. If sin close the door to that union, the door must be unlocked through confession and absolution. The Anglican Church, accordingly, has made these an essential part of her liturgy. And her people should be instructed not to receive if they come so late to church that they have not truly and earnestly confessed their sins and received that public absolution.

Art. xxxiii. and the canon law of the American Church (title ii. can. 12) distinctly claim the authority of the Church to refuse to open the door of the kingdom of heaven ("depriving of all privileges of Church membership ;" excommunication), which of course excludes from even the outward form of confession and absolution.

Doubts respecting the present disposition of the penitent are to be decided in his favour when absolution is in question. The minister, who has only the outward part of sacraments to perform, leaves all beyond to the only competent Judge.

Conditional absolution may sometimes be given ; not, indeed, conditioned by any future act, but when the return of a relapsed penitent does not fully justify refusal to give absolution, and charitable presumption, on the other hand, is unable to solve the doubt in his favour.

Or, again, a sick and dying man may have expressed some contrition and sent for the priest, and God's minister may be doubtful whether, if the sick had the power so to do, he would penitently confess his sins. If there had certainly been intention to make a contrite confession, there would be no ground for keeping back absolution because *the priest* arrived too late to receive that confession in God's

name. But in the doubtful case the conditional absolution may be given.

Absolution must be denied (1) when there is no evidence of a determination to amend ; (2) when restitution or satisfaction is refused ; (3) when the remedies directed are refused, or previously proposed remedies have not been employed, especially when evil habits are concerned, and no special contrition is exhibited on account of the new sin ; (4) when there is evident unwillingness to forgive others ; (5) when perseverance in evil ways is shown by an unwillingness to avoid the proximate occasions of sin, or of giving occasion to others' sin, those occasions being voluntary and not necessary.

By "proximate occasions" understand those which, in the particular case, bring strongest temptation and great probability of sin. Some of these are morally involuntary ; but others are voluntary ; *i.e.*, they will cause only trifling loss, if any. The latter must be abandoned, no matter what purpose of resisting the temptation is professed, and absolution must be deferred until this is done. Round dances and the use of stimulants may serve for examples when they are occasions of sin. Fear of future relapse, even if reasonable, is not good ground for withholding absolution from a contrite soul, if there be no evident clinging to the sin.

Absolution may be *deferred* for a short time, and the delay may aid in deepening penitence for sin, (1) when the penitent has previously promised to avoid occasions of sin but has not done so ; (2) if, able to make thorough self-examination, he have neglected it ; (3) if he have promised restitution or signs of forgiveness to another, and have not done so ; in general, it may be safer to defer absolution until obligatory restitution has been made.

(4) Habitual sinners may be absolved only if there seem to be full purpose of amendment of life ; but if there have been

neglect of previously prescribed discipline, absolution should surely be deferred until sincerity has been more fully evinced than by the feeling, perhaps a transient one, shown at the time of confession.

In such cases, also, it is wise, and may prove very beneficial, to require an explicit promise of return immediately upon the first lapse, if any should occur. This very thing will itself be a most salutary penance and discipline, if there be any sincerity in the sinner's soul.

Absolution, however, should not be deferred in these cases for a long period; a fortnight will usually be long enough.

§ 5. Satisfaction.

Although satisfaction is an act of justice in paying a penalty for past transgression, a penalty either voluntarily assumed or made voluntary by cheerfully accepting God's chastisement, no equality according to justice can be dreamed of. Sin is of infinite guilt, and no earthly pains can be adequate compensation. Satisfaction is not to be so understood. But, yet, penalty is accepted as just, and as a painful medicine curing past sins and preserving from future ones. Something has been taken from the honour due to God; therefore something is to be taken from self and given to God as a partial return of that lost honour.

If it be asked how man can "satisfy" or pay his debt to God, we shall reply that man becomes a debtor to God in two ways: first, by benefits received; next, by sins committed. And as thanksgiving and worship is the return in the one case, so is satisfaction in the other. But there can be no equivalent return for all that God has done for us; we can only do what lies in our power by way of return. And love accepts this as a just return. So, also, as regards satisfaction to love for offences against it, no equivalent can be paid; but something may be offered to love which love will accept for the sake of Christ's merits.

Chastenings from God take something from us without our will, but patient bearing of them makes them become voluntary satisfactions for sin (Heb. xii. 6). So, also, since satisfaction is penal, we can impose penalty on ourselves which, though love makes it light, is still penalty. We can give goods of fortune in alms ; goods of body in abstinence or fasting ; goods of soul in special prayers. And each of these and the like may be penal satisfaction.

Such penances may be imposed upon himself by any one who turns to God. But since in private confession the soul is submitted to the priest as an earthly judge with power to bind and loose under the Supreme Judge, he is bound to impose suitable penalties while remitting sins in the name of his Lord. These, it has been seen, must be punitive, salutary, and medicinal ; if possible, all in one. Thus, the taking away of outward and proximate occasions of sin will be at once punitive, salutary, and medicinal. Games lawful in themselves, society not immoral, may have proved an overcoming temptation ; it is properly imposed satisfaction to forbid them. Fleshly lusts may have overcome the weak soul, and the body is punished when its luxuries are prohibited ; and so on.

The penance, then, should be according to the sin ; but also adapted to the age and condition of the penitent, being such as to test the sincerity of his repentance and to deepen it. It should not be too long continued ; a fortnight is usually long enough ; it should not be public, not very difficult to observe, or such as will cause physical weariness. Thus, fasting or abstinence, though punitive discipline, may be unsuitable for labourers or children ; but other acts of mortification respecting luxuries may be easily substituted for these.

As medicinal, the penance should be adapted to the special sin. Thus special prayer for enemies is a remedy for an unforgiving spirit. At the same time, it will be remembered that long prayers, much time spent in church,

and the like, are not marks of penitence or devotion, or fit penances, but rather the doing all in the name of Christ.

Finally, a few words may be added respecting *venial sins* as coming before the confessor. These may be compared to sins against a father when the son has still filial affection in his heart, and is not turned out of doors. But, on the other hand, they may indicate a habit which, if not repented of, will show mortal contempt of the Father ; and if they grow into habits they are sure to end in mortal sin.

If they be not consented to ; if they arise from negligence, inattention, sudden motions of the soul, like wandering thoughts in prayer, impatience, vain words, etc., they may receive repeated absolutions under due conditions. For example, let them be followed up by regular and suitable discipline—say, each evening after a fall, by light penances adapted to them, etc. If there be sincere contrition for them, and a persistent effort to amend, with steady though feeble progress, the penitent is entitled to repeated absolutions for them.

CHAPTER IX.

THE VISITATION OF THE SICK.

MORAL THEOLOGY cannot overlook the special law of God respecting the sick. There is a corporal work of mercy for all Christians, of which the Lord will say at the last: "I was sick, and ye visited Me;" but there is also a religious obligation of positive law laid down in rubric and canon: "When any person [*i.e.*, any member of the Church] is sick, notice shall be given thereof to the minister of the parish; who coming to the sick person's house shall say," etc.

(The law respecting prisoners, *i.e.*, under like conditions, is the same.) Here is an official duty and obligation, based on the law of God (S. Jas. v. 14). "Is any sick among you? Let him call for the elders of the Church." It is to be fulfilled in a solemn and official way, like any other function of the priest's office; *e.g.*, vested with surplice and stole.

The canon of 1603 does not seem to require even official notice. "When any person is dangerously sick in any parish, the minister or curate having knowledge thereof, shall resort unto him or her," etc. But, of course, for an official visit, such as is contemplated by the rubric, some previous arrangement will be convenient.

This official and obligatory visit has other objects beside the provision, on the one hand, for sacramental penitence and Holy Eucharist elsewhere discussed, and, on the other, such charitable consolation, advice, and prayer as any Christian may take to the sick-room. It is, so to speak, the coming of the Lord to His sick member, in the person of His minister, for spiritual strength and help. "The

prayer of faith shall save the sick." This is the spirit of the office provided by the Anglican Church.

But it is still more distinctly presented in that rite of the primitive Church which God's Word appointed through S. James (v. 14); *sc.*, "They shall pray over him, anointing him with oil in the name of the Lord." Unction of the sick belongs to the whole Catholic Church, Eastern, Latin; and the Anglican Church retained it in the Prayer Book of 1549. It may be called sacramental in the general sense of the word; *viz.*, "an outward and visible sign of an inward and spiritual grace;" but it may be doubted whether it is a sacrament in the narrowest sense of the word. None maintain that it is "generally necessary to salvation," and the omission of the Unction of the Sick in the Prayer Book of 1552, and ever since, seems to leave the rite as a matter of counsel, not of precept, and to treat it accordingly as sacramental rather than as a proper sacrament. I mean that the Anglican Church appears to regard the outward and visible sign as not permanently fixed by Divine appointment. Thus if we read that the Lord (S. Mark vi. 5) laid His hands on the sick, His disciples (v. 13) "anointed them with oil and healed them." If S. James spoke of the anointing, the Lord, before He ascended, said that His disciples shall "lay hands on the sick, and they shall recover." So, also, no form of words can fairly be pointed out as essential to this sacramental rite. Prayer over the sick was ordained through S. James, but the Catholic Church has no such form of words for the unction as is essential to proper sacraments.

This seems necessary to be said when a law of the Catholic Church is in question. Viewing the unction of the sick, then, as a Divinely appointed means of grace, but not with us of precept, but only of counsel, if it be devoutly desired by those who are truly penitent, and have received absolution of their sins, they may with confident faith expect to receive (1) pardon for the feebleness of spirit which their

sin has produced ; (2) strength and comfort from the Holy Ghost for special trials of sickness, and support in the last dread hour of dissolution ; or, if it so please God, restoration to bodily health. "The prayer of faith shall save the sick, and the Lord shall raise him up ; and if he have committed sins they shall be forgiven him."

To those who cannot recognize and devoutly receive this spiritual help, it will not be given.

Catholic usage implies that the oil employed for anointing of the sick shall be blessed by a bishop, for its sacred use.

Finally, it must be added, whatever lawless custom may tolerate, that the law of the Church still binds every conscientious priest ; and if he be called to do the last earthly office for those who are departed from this life, he may not use the Order for the Burial of the Dead "for any unbaptized adults, any who die excommunicate, or who have [while possessed of their ordinary faculties of self-government] laid violent hands on themselves," and so have died excommunicated by their own act. What the priest shall do when he is called upon in any such case, this is not the place to consider. But he is certainly bound to remember that these days are such as render disobedience to the law here given more than ordinarily sinful, because lawlessness makes man the master of his own life, and the priest is bound to protest in the name of God and His Church ; and that protest can only be duly given by distinct separation in death of the voluntary suicide from him whose life has been surrendered when God called for it. Also, it must surely be remembered, in determining whether suicide has been voluntary or not, that a coroner's jury is not an ecclesiastical tribunal. That may have respectful attention, but the Church must judge for herself respecting her own offices, with all charity, but also with truth and loyalty to God.

CHAPTER X.

HOLY ORDERS.

§ 1. Introductory.

The doctrine of Holy Orders, their divine origin, their authority and functions, cannot here be discussed. But some few propositions, familiar to Churchmen, but wholly rejected or unknown by the great majority of religious people among us, must here be assumed. For he who believes the truth revealed from God in this matter—*sc.*, the Divine authority of the Christian priesthood—necessarily finds a law binding upon himself, whether he be priest or layman, and he must answer before God for his obedience to it. Whereas, on the other hand, he who knows no such truth, knows no law in this matter; while the Protestant scoffer at “sacerdotalism” is only consistent in scoffing at the law, which, perhaps, if he be a priest, he has sworn before God that he will diligently observe and keep.

The existence of Holy Orders as a Divine institution in the Catholic Church is based upon the existence of sacraments, and especially of the Holy Eucharist as sacrament and as sacrifice. Preaching the Gospel, the prophetic office, is superadded; but, important as it is, it is not of the essence of Holy Orders. Any Christian man may be licensed, if the Church see fit, to carry the Gospel to the world. The fountain of this authority, indeed, is the apostolic office, for apostles and their successors were bidden to carry the Gospel to all the world, assured that their Lord would be with them in doing so until the consummation of all earthly history. God has set prophets in His Church after apostles. Not all are apostles; not all are prophets (1 Cor. xii. 28).

But Holy Orders are ordained for the external ministration of sacraments. The Lord said, "Make disciples of all nations, baptizing them into the Name of the Father, and of the Son, and of the Holy Ghost" (S. Matt. xviii. 20); "This do in remembrance of Me" (S. Luke xxii. 19); "Receive ye the Holy Ghost; whosoever sins ye forgive, they are forgiven unto them, etc." (S. John xx. 22). All visible authority is summed up in the apostles, by them to be divided and distributed to various orders and offices in the Church, under the guidance of the Holy Spirit. The apostles were "deacons" of the Church (and so are their successors), but they gave this function of the one ministry to chosen men (Acts vi. 6). The apostles were priests (and their successors may be vested as priests and do the priest's peculiar work of consecrating the Holy Eucharist), but the Church needed resident priests wherever the faithful were found and required their ministration. Therefore the apostles gave this function to others (1 Tim. v. 22; Tit. i. 5). But they reserved to themselves and those whom, like S. Matthias or Barnabas or Timothy, they associated with themselves in the full authority of their office, the general power to dispense sacred things, and to rule the Church. The Church of Christ, as an organized, visible body, was found wherever their authority was found. Where there was no such authority there could be no organized and visible Church.

Difference in orders, then, depends upon the different degrees of participation in the fulness of the apostolic commission. The body of Christ has many members, "and all the members have not the same office" (Rom. xii. 6; 1 Cor. xii. 5. See Art. xxiii.). But each and all are servants of their brethren; they minister, not "in their own name, but in Christ's, by His commission and authority," received directly from those to whom He has previously given it.

"It is evident unto all men, diligently reading Holy

Scripture and ancient authors, that from the apostles' time there have been these orders of ministers in Christ's Church—bishops, priests, and deacons." And so, since the law of faith is the law of prayer, we pray in the Collect at the Ordering of Priests, "Almighty God, giver of all good things, who by Thy Holy Spirit hast appointed divers orders of ministers in Thy Church, etc." He who does not believe this, has no right to profane the service of God by presenting himself to receive such a holy office.

A devout Christian is not a priest because he is a good man. In the inward and spiritual order, indeed, he is one of the "holy priesthood, to offer up spiritual sacrifices acceptable to God through Jesus Christ." He has a "holy priesthood" (1 S. Pet. ii. 5); but in the outward order he is not an apostle, he is neither king nor priest in the visible Church. For all are not apostles having authority to rule; and it is not grace which is conferred by the visible priest, but the sacraments of grace, while God only can bestow the inward part. A good man can teach by word and example; he may be licensed to read Holy Scripture in public, to use public prayers with the faithful; even, if law permit, to exercise the prophetic office which he receives from the successors of the apostles; but the existence of sacraments, as has been said, implies men consecrated for this instrumental service without which necessary grace cannot in general be had.

§ 2. Holy Orders a sacrament.

There is (1) "an outward and visible sign"—*sc.*, the laying on of hands—(2) "of an inward and spiritual grace" (3) "ordained by Christ Himself as a means whereby we receive the same and a pledge to assure us thereof." But Holy Orders have not "like nature of sacraments with Baptism and Holy Eucharist." And this will be evident enough when we consider the matter and the form, and compare them with the two sacraments "generally necessary to salvation."

In the latter case there is an indispensable material thing required without which there can be no sacrament. Not so in the ordering of bishops, priests, and deacons.

The matter. If, then, in a general way, we define Holy Orders as a "sacrament of the Church in which is given spiritual authority, and grace is conferred for due performance of ecclesiastical offices," we shall keep ourselves within the sure boundaries of our faith; but if we undertake to find dogmatically the essential "matter" and form of words, we may involve ourselves in needless difficulties. It is enough for Anglican Churchmen to know, and for Anglican theology to affirm, that the laying on of hands is an apostolic sign attached to this conferring of authority by those who have authority.

The state of the case is not very different with respect to the oral sign, the *form of words* in this sacrament. In Holy Baptism and Holy Eucharist there is a form of words unvarying from the beginning and throughout the Catholic Church. But if we seek for any such form in Ordination we may fail to find it. The intent is plain enough in all varying forms. It is the transmission of authority from him who possesses it with power to confer it. "Take thou authority to execute the office of a deacon in the Church of God committed unto thee, in the Name, etc." Alternative forms, accordingly, in the Ordering of Priests, however originated, will create no difficulty, nor tend to invalidate the sacrament. "Receive the Holy Ghost for the office and work of a priest in the Church of God;" or "Take thou authority to execute the office of a priest in the Church of God now committed unto thee by the imposition of our hands"—these are equivalent forms, and if they are not vain and idle ceremony, which God forbid, they are equally God's means for conferring the inward and spiritual grace of the sacrament.

The grace. This is, (1) a consecration whereby the servant of Christ becomes a dispenser of sacramental grace to others. That can be truly said to him which was said to S. Timothy : " Neglect not the gift that is in thee, which was given thee by prophecy, with the laying on of the hands of the presbytery ;" or, more definitely still, " Stir up the gift of God which is in thee through the laying on of (apostolic) hands " (1 Tim. iv. 14 ; 2 Tim. i. 6).

(2) In the ordination to the priesthood (Qu.: ordination to the diaconate ?) is imprinted an indelible " character " on the soul. Even the degraded priest remains forever a priest who has consecrated and touched the Lord's sacramental Body. Holy Orders, therefore, can under no possible circumstances be reiterated.

§ 3. The law.

The special and positive laws enacted in local canons are binding on conscience, because the Church has authority from God in making them. But examination of them does not belong to our subject. And, on the other hand, the solemn, tender warnings of the Church which are uttered by the ordaining bishop before he gives the heavenly grace are such as the priest cannot too often make his earnest study. But nothing can be added to them. Our present task is the considering those necessary deductions from the doctrine of Holy Orders, which have formed a part of the law of the Church Catholic, and are therefore part of the moral law which guides our conscience.

(1) Holy Baptism is the door to all the sacramental rites of the Church ; therefore Holy Orders presuppose baptism, and the supposed conferring of them is null in the case of an unbaptized man. He is incapable of receiving that character which Holy Orders stamp on the soul prepared for its reception. He cannot absolve penitents, nor consecrate a valid Eucharist. If the error be discovered, he should be baptized, and then receive valid orders. If he

were advanced to the episcopate, he could not confer valid orders, but the gracious gifts of the great High Priest are not conditioned, on His part, by the imperfections and errors of His ministers ; neither is it to be believed that He will permit such error as this to lie hidden.

It will also be noticed that the Catholic Church has provided against the perpetuation of this error, or any other such error, by requiring that three bishops unite in the lawful consecration to the episcopate.

Confirmation, though eminently proper, is not essential to the receiving of Holy Orders. It is not essential, because the baptized man is capable of this special grace ; it is eminently proper, because the minister of Christ peculiarly needs what Confirmation confers.

(2) He who receives Holy Orders in a state of mortal sin is validly ordained, and his official acts confer a grace which he does not himself possess. He condemns himself in receiving ordination ; he condemns himself whenever he officiates in such a state of sin ; “ holy things for holy persons ” is the law of the Church, the law of God. But there is no need of perplexed conscience on his part, as if he must sin in officiating, and sin in not officiating ; for he can repent of his sin, or he can resign his office. (Sec Art. xxvi.)

It has also been noted above (page 561), that as long as the Church tolerates a bad man, a heretic in heart, a wilful sinner in any matter, Christian men may receive the sacraments at his hands, although they should, if it be possible, avoid him.

Neither should be overlooked the grave sin of presenting to Holy Orders, or of conferring them on, those who are ignorant of the faith, on those who are heretical concerning it, on those who have not been tried and proved, on men of worldly life and conversation. To “ lay hands hastily ” on such persons is to be “ partaker of other men’s

sins" (1 Tim. v. 22). No one can dispense with the unchanging law of God in this or any other matter.

(3) The priest's office centres in the Holy Eucharist ; but this implies also all that is requisite in preparation for that august sacrament. And this means preparing men by the Word of God, by baptism, by sacramental penitence, by the visitation of the sick and unction of them, if authorized and desired, and the like, all for the consummated union of the believer with the Son of God in Holy Communion.

But since the higher office in the Church always includes the lower, he is commanded to read public prayers, which the licensed reader may also do ; he may serve at the altar as deacon, etc. In like manner, the bishop himself may act as priest or as deacon, because he includes these offices in his higher function. He may be parish priest, and be required as such to do, personally or by his deputies, all that is required of a parish priest.

(4) What has been said of the sacramental character of priest's orders would seem to apply to *deacon's* orders also, *mutatis mutandis*. His primary duty is to serve in the Holy Eucharist, and he is so instructed by the bishop at his ordination. In that nearest approach of heaven and earth, he delivers the everlasting Gospel to the people of God. The Epistle, although it also is the Word of God, is not ranked by the Church as being on the same exalted level. A "sub-deacon" (lay reader ?) may be authorized to read that ; but the deacon receives special authority with respect to the Gospel which the Church delivers to the faithful through him. But since the higher office includes the lower, the deacon may do those ministries which belong to others, and these accordingly are specially assigned to him by the bishop at his ordination. He becomes licensed lay reader, or he continues the function ; he is catechist ; he does what any Christian man may do when no priest can be had, *e.g.*, baptizing infants, etc.

(5) The *bishop* has received the power of conferring all the authority which he himself possesses, or a part of the same, on other men. But, besides this, having received *jurisdiction* in his diocese, he only can give jurisdiction to the priest for a part of that diocese. This law of the Catholic Church is explicitly laid down in the "Letter of Institution" as given in the Prayer Book: "We do by these presents give and grant unto you . . . our license and authority to perform the office of a priest in the parish of E—. And also do hereby institute you into said parish, possessed of full power to perform every act of sacerdotal function among the people of the same, you continuing in communion with us, and complying with the rubrics and canons of the Church, and with such lawful directions as you shall at any time receive from us, etc."

But, in like manner, the bishop himself must have *jurisdiction* for a lawful exercise of the functions of his office. He is not a bishop over the whole Catholic Church, but over the flock committed to his care by lawful authority. Therefore he cannot lawfully ordain those who are not subject to him, unless he have received commission to act for one who has jurisdiction in the case in question.

But since the character conferred is indelible, while he may be acting unlawfully, he may be heretical, schismatic, or he may be deposed, still his official acts are valid; they cannot be repeated where the act, once validly done, is life-long in its consequences.

The case is parallel with others mentioned before, and further proof, if any were needed, would be found in the fact that the deposed bishop, if restored to the exercise of his office, cannot be consecrated anew. But those who receive the sacraments from this deposed bishop have no claim to the grace which belongs to those ordinances, because they sin in communing in any way with one who is cut off from the one Body of Christ.

Such a bishop, then, may validly ordain, and his ordina-

tions cannot be repeated ; but he can give no mission for a lawful performance of sacerdotal or any other ministerial functions.

(6) The exclusion of women from Holy Orders, while they may be licensed to exercise other and appropriate ministries in the Church, seems to rest on the unvarying law of the Church from the beginning.

(7) Finally, for all in Holy Orders there is that personal purity and holiness of life which the bishop's charge so solemnly presents. A few details of outward law may here be given. And, first, since men are set aside for God's service, they are, beside the great sacrifice of the altar, to be continually offering sacrifice of praise and intercession. The Anglican Church explicitly orders this in her preface to the Common Prayer : " All priests and deacons are to say daily the Morning and Evening Prayer, either privately or openly, not being let by sickness or some other urgent cause." This is not the place to try to define what constitutes an " urgent cause," and in practice the determination must be left to the individual conscience ; but it is certainly to be observed that the obligation does not rest on duty to a parish, but is the personal obligation of the individual, because he has been ordained for this. If " he be at home and not otherwise reasonably hindered," he is to say his office in church in order that others may unite with him, if they will. But the obligation is more general, and personal in character.

The American Church retains the daily offices and omits the law. But the very lowest ground on which the conscientious minister can take his stand surely is, that the public or private recitation of the daily offices, if not obligatory on the American priest and deacon, is at least for him a matter of grave counsel on the part of the Church. He is sworn to be " diligent in prayers, and in reading the Holy

Scripture," and the Church has given a daily order in which to fulfil his vow. It ought to be needless to add that this implies a devout attention, avoiding as far as possible even venial distractions.

The priest further promises what the deacon does not—*sc.*, to "lay aside the study of the world and the flesh," which must be understood to mean the renouncing all secular occupations so far as they may not prove to be of absolute necessity for the sustenance of life.

Lawful amusements, also, may not be lawful for him, if they frequently give others occasion to sin, and in his case afford scandal to the weak. The practical application of this principle will vary too widely in different parts of the Church to render it possible to base precise laws upon it. What would give the most serious scandal in one section, and also permanently injure pastoral influence, will in another section be the very opposite of this, though equally lawful in both. Much might be said of the law of special holiness which binds the priests of a holy God. Israel's priests received it for us. "They shall be holy unto their God, and not profane the name of their God; for the offerings of the Lord . . . the bread of their God, they do offer; therefore they shall be holy" (Lev. xxi. 6). How much rather, then, those who consecrate and offer, not the shadow, but the very image and sacrament of the everlasting sacrifice in heavenly places!

CHAPTER XI.

HOLY MATRIMONY.

§ 1. The law of nature.

Matrimony may be defined as the permanent union of one man and one woman, legitimately made, for the generation and education of children, and for mutual service in the family life. Such a union is a law of nature ; not that there is any physical force bringing it about, but because man is naturally inclined to it, and, by his own free will, his uncorrupted nature will lead him to such a union. The family is prior in time to the state, and even more necessary for the continuance and well-being of society and the individual. If man is by nature a "social animal," still more is he by nature a member of a family (Nic. Eth. viii. 12). The family is essential to the well-being of man ; for, first, the man and the woman are mutually dependent upon one another for bodily and spiritual service, as well as for the exercise of natural affections ; and, next, children must not only be brought into existence for the continuance of the human race, but they must be supported, educated, and assisted in the early part of their life through many years ; they need to be counselled and guided even when they begin to be independent of their parents ; and all this requires a determined parentage, such as is wholly inconsistent with that promiscuous concubinage which characterizes many lower species of animals.

Anthropologists may find perversions of this law of nature among some barbarous tribes ; but this fact constitutes no argument against the existence of the law, since science cannot well close its eyes to the actual corruption and deg-

radation of no small portion of the human race. To assert that all which actually exists among men is natural, is a patent absurdity which needs no refutation by Moral Theology.

Because matrimony is a law of nature, it does not follow that all are required to marry when they reach suitable age. What is necessary for the perfection of the individual is binding on all. But that which is required by society in general is naturally distributed, one doing this, and another that. So it may be true, and it is true, that some may serve the community in other ways than by marrying, finding elsewhere the "vocation" to which God has called them.

A life-long contract. Other contracts between man and man may be for a limited time, but the natural aims and results of this contract of matrimony distinguish it and make it life-long.

Concubinage, or the union of man and woman outside of matrimony and for a limited time, is contrary to the law of nature, and is therefore *per se* one of those deadly sins which exclude from the kingdom of God. It voluntarily fails of those ends which the God of nature intends. Its aim may be merely sensuous gratification, or it may be evading the responsibilities which follow the production of children, whose welfare requires a life-long care. Either way, or in both ways, one of nature's primary laws is violated. And this is *per se* mortal sin; because the bonds of charity between man and man are broken, and equally so those between man and God, whose primary law is violated.

A fortiori, promiscuous fornication is violation of nature's law, and mortal sin (1 Cor. vi. 9).

The Catholic Church found the civilized world polluted far and wide by every conceivable violation of the law of nature; but she renewed the law of nature as part of her discipline, and grace to obey it was given.

But matrimony is not subject only to the law of nature.

Since this permanent union of the man and woman must be voluntarily entered upon, it involves a contract of which society must take cognizance, and the family thus formed is one of the units which constitute the state, and becomes subject to its just laws, both in the creation of the contract and in the further ordering of the partnership. And, finally, marriage, as a sacrament of the Christian Church, becomes *Holy Matrimony*, and the definition given above needs to be completed thus: "Matrimony is a permanent union," etc., having power of conferring on the parties to it sanctifying grace for due fulfilment of its objects.

Thus, Holy Matrimony is, at the same time, a contract of which civil law and morals take cognizance, and a sacrament out of which spring special obligations.

As a contract, it is a free and voluntary agreement between two parties entering into life-long partnership, giving one another nuptial rights, mutually promising to fulfil all those duties, and receiving all those rights, which are essential to the existence of a family. See the betrothal in the marriage service.

As a sacrament, if duly received, it confers grace for the sanctification of this union, for faithful execution of the promises made, and specially for its great object—the holy education of children as the children of God (Tert., ad Uxor. ii. 8; S. Ignat., ad Polyc. ii.).

§ 2. The sacrament of Holy Matrimony.

The word sacrament is, of course, now used in its wider sense of (1) "an outward and visible sign (2) of an inward and spiritual grace given unto us, ordained by Christ as (3) a means whereby we receive the same, and a pledge to assure us thereof." But if we attempt to follow the medieval theologians in their scholastic distinction of matter and form, we may find them not at one among themselves, and involve ourselves in needless confusion.

sufficient to observe that mutual consent, expressed

by words or other outward signs, is the efficient cause of the contract, and the outward part of the sacrament. Each of the two parties gives and receives rights in relation to the other (1 Cor. vii. 4). This is not a promise concerning the future; such a promise is an espousal or betrothal. The contract of marriage is *de præsenti*; its words are: "I [now] take thee to my wedded wife." The spiritual grace sanctifies the contract, and gives the needful means that the persons concerned "may surely perform and keep the vow and covenant betwixt them made."

This sacrament makes the marriage indissoluble except by death. What God has joined man cannot put asunder. But as a contract, although it be for life, the state may have the same control over marriage as over other contracts.

The *subject* of this sacrament is any baptized person having no impediment. Baptism is the door to the Christian life, and those who have not entered by that door, though capable of making the marriage contract with its accompanying obligations, are not capable of making a Christian marriage. Denying this principle of Moral Theology is denying the existence of anything distinctive in Christian marriage.

Hence, it follows that if the sacrament confer grace, or create any added obligations over and above those of the civil contract of marriage, that grace and those obligations are absent from the union of a Christian with an unbaptized person, or of two unbaptized persons. Such a marriage, under the requisite conditions, is altogether valid as a contract; but it seems to be eminently improper for a priest to give the nuptial benediction which is intended for those who have united themselves in Holy Matrimony.

The marriage of one of the faithful with one who belongs to some heretical sect, stands on a different footing. For, as such a person has been introduced into the Christian fold by Holy Baptism duly administered, the same person

is capable of receiving a valid sacrament in Holy Matrimony; and we may trust that the inward grace is not absent from one who devoutly asks for it.

But the obligations of the Church to the offspring of such a marriage are part of her law received from God (1 Cor. vii. 14). Hence, on account of the practical difficulties in the way of fulfilling those duties, the Church is bound to discourage such marriages between the faithful and those who are, outwardly at least, separated from the fold (2 Cor. vi. 14).

Since Holy Matrimony is a "sacrament of the living," one who receives the grace must have no unrepented sin burdening his conscience.

Who is the *minister* of this sacrament? We can only reply, the parties to the contract themselves. For, as a contract, whether publicly or privately made, it is binding, and need not be repeated. Suppose, then, that one or both of the two parties, at the time of making the contract, were outside of Christ's Church: if converted, they will not be remarried; their baptism gives them a claim to the nuptial benediction; but their already valid contract now takes the character, obligations, and grace of such a marriage as they would have celebrated at first had they been wedded in God's Church.*

Suppose, again, that in ignorance or heedlessness two baptized persons—*e.g.*, a runaway couple—have gone to a justice of the peace for a civil ceremony; or, in some State of the Union where such a form is valid, have taken one another for man and wife, in the presence of two or three witnesses. The contract will be valid, we suppose; then the union is that of Holy Matrimony, and cannot be repeated with the Church's service, for the parties are already married.

* This view is controverted. But the question will not take a practical shape when the law of the Church is obeyed.

The nature of the contract, and its social relations, require that it be in the presence of *witnesses*. Marriage, accordingly, in the presence of a Protestant minister or of a justice of the peace is valid, confers the rights, creates the duties, and cannot be repeated.

What the Church adds in her marriage service is the benediction of the priest (the parish priest of one or other of the two parties. No other without license can lawfully give it. Canons of American Church, title i., can. 12; Canons of 1603, No. 62).

This benediction may follow, or it may precede, the civil recognition of the marriage contract.

Note that a deacon has received no such power to bless in God's name.

Conditions of honourable and holy Matrimony. There are three goods which distinguish Holy Matrimony, and separate it from fornication and concubinage : (1) The sacrament which makes it honourable, holy, and indissoluble by any earthly power in state or church ; (2) fidelity to a promise made to "keep only unto" one so long as life lasts ; (3) children as the gift of God, to be nurtured for His service. These three, of which the first is chief, separate the spiritual union of Christians in Holy Matrimony from the fleshly union of beasts and fornicators. The law of conjugal debt is laid down in God's word, 1 Cor. vii. 3-5. And note the sin of refusing obedience to it, in order to avoid the burden of offspring.

§ 3. The contract.

Betrothal is a true, deliberate, mutual promise, duly expressed, that this contract will, within a reasonable period, be made. Such promise may be either public (of which the first part of the Anglican marriage service retains the form) or private ; but it is subject at the time only to the conditions requisite for lawful matrimony. Such espousals, com-

monly treated so lightly, are binding both in law and in morals. Law, therefore, not only punishes for pecuniary loss, but gives exemplary damages if such promise be violated.

Careless promises, however, respecting the future may possibly be no true betrothal; although civil law may discourage such by giving damages for "breach of promise."

The contract must be fulfilled within reasonable time; that is implied in the act of betrothal.

How is such an "engagement" dissolved? (1) Long-continued absence of either one of the two parties certainly releases the other, if it be so desired, for the contract was not made subject to the serious injury of either of them. (2) Grave and permanent disease releases, for a serious change of circumstances may annul any contract *de futuro*, *in foro conscientie*. (3) Since the parties promise to give nuptial rights to one another, unchaste conduct in either will release the innocent from the promise made. (4) The contract *de futuro* may be dissolved by mutual consent—*e.g.*, when the parties discover their "incompatibility." (5) Although the marriage of either to a third person is unlawful, yet if done it annuls the betrothal previously made. (6) The extreme youth of the betrothed, or either of them, may render the promise void, because it required full use of judgment and will to bind one's self for life-long obligations.

Even if the betrothal were confirmed by an oath, it would be dissolved under these conditions.

But ordinary misfortunes are not a just plea for release from the promise formally made and accepted. Herein civil law seems to be essentially just.

(Qu. 1. Suppose that one of the parties to the "engagement" find it impossible to take the marriage vow to "love," etc., is the other bound to release from the contract, while securing damages for breach of promise? (See Irving's case, found in Froude's Life of Carlyle.)

Qu. 2. Can a priest lawfully bless a marriage with a third party when the previous contract has not been released ?

Qu. 3. Suppose that seduction has followed promise of marriage, is it a "constructive" marriage ? It may be so construed in an exterior tribunal, nothing appearing to the contrary, because the consummation of marriage may be supposed to have followed mutual consent to the bond. But *in foro conscientie* a promise concerning the future is not a valid marriage bond, and the act charged is simply the deadly sin of fornication. But usually the only reparation possible is, of course, the solemnization of marriage between the guilty persons.

Qu. 4. Suppose that parents refuse their assent after the betrothal ? Minors certainly sin gravely if they engage themselves without parents' consent, and the contract is void. But if the parties be of full age, judgment must be made between the reverence due to parents' counsel and the rights of children to order their own life.)

How is the contract of marriage made ? (1) Consent must be mutual and *de præsenti* ; (2) it must be voluntary and deliberate consent ; (3) it must be manifested by outward signs. If these three be all the requisite conditions of valid matrimony, it follows that a contract of this kind secretly made, though it is grave violation of the laws of God and man, and in the case of Christians forfeits all claim to the blessing of the sacrament, yet is a valid marriage, gives the rights and creates the obligations of matrimony, and must not be repeated. Although there is contempt of God, yet the two parties have the disposal of their own persons, and of all that marriage requires. The evil results following from such marriage without witnesses are too apparent to call for any justification of the laws of Church and State in this matter.

A *conditional* consent to the contract, though highly improper, would not invalidate the contract or the sacrament

(1) if the condition be verified, and (2) be not inconsistent with the ends of matrimony. Thus, if the condition were that the nuptial debt shall not be paid, there would be no marriage. Again, if the condition affect simply the past or present, the marriage stands if the condition prove true. If the condition be *de futuro*—e.g., “I now marry you if you make your will in my favor within six months,” or “if you join the Church,” the marriage is not perfected until the conditions of it are fulfilled. Needless to say that no priest of the Church can lawfully have any share in such a conditional contract.

A more difficult question is that of *fictitious consent*. If both parties have “married in joke,” conscience can find in the fictitious contract no obligation; although external tribunals, considering how easily this pretext for dissolving marriage may be fraudulently employed, may be slow in accepting it. If the parties have treated one another as man and wife, this must be held to be true inward consent to the outward contract.

A more difficult case is where there has been sincere consent on one side and fictitious consent is asserted on the other. Certainly the parties are bound to separate until the error is rectified. If the reputed marriage have been consummated there is the obligation of giving a true consent to the contract.

(Qu.: If the marriage be not consummated, can the parties in such a case have the contract annulled by mutual consent?)

The consent may be given for some base end, as when one marries in order to get a fortune; but this does not affect the outward contract or the sacrament. There is valid matrimony without the grace which God gives to a devout seeker for it. So far the case is parallel to that of one who baptizes for pay, or who simoniacally buys the

sacraments. The evil end is accidental to the sacrament ; it belongs to the contracting party, not to God's institution.

Marriage of minors. Consent of parents is not necessary for a valid contract, since by the law of nature parents have not power over their children's souls and bodies in such a life-long relation as matrimony involves. If they had, they could also make void a marriage vow, which is absurd to maintain. But reverence and obedience may make such a marriage unlawful before God, as before the state. And the priest gravely sins against God and against society who marries a minor without the parents' consent, except under pressure of the gravest moral necessity—*e.g., gravida puella*.

It will be remembered that contracts in general made by minors are not bound on them by law, though the other party, if adult, is so bound ; and the former, not the latter, can sue for breach of promise (Blackst. i. 436).

Yet, in conscience, if the minor have full possession of his powers of judgment, and the contract be not an injurious one, he is morally bound to fulfil it when he reaches age of independence. And this principle includes the contract of marriage.

§ 4. Impedimenta.

Impediments to valid marriage may arise from the law of nature, and no human power can alter it or remove them. Impediments to marriage, as a sacrament of the Church, may arise from God's revealed law binding on His Church. And, finally, as a social state, marriage may be prohibited by civil laws, which vary in different places and ages of the world. This distinction among impediments is important to observe in considering them.

It will be understood that these impediments must exist as such at the time of celebrating the nuptial rite. If any

of them should afterwards occur, it would not annul a valid marriage.

Impediments to matrimony may be (1) only *prohibitory*, "*impedientia*;" i.e., the marriage is unlawful, but it is valid when made.

(1) *Prohibitory impediments are*: (a) *lack of consent* from parents in the case of minors, which has already been noticed; (b) *previous espousals*, when the party to them has not been released from the contract, also noticed above; (c) *clandestine marriage*. Since marriage involves social relations, the state may require security for a public contract, and violation of such laws will constitute an unlawful clandestine marriage. And it is certainly an obligation of the priest to conform to civil law in this matter, and in all others where the law of the state does not contravene the law of the Church, which is supreme in matters of religion, and Christian matrimony is certainly a matter of religion. If the two authorities oppose one another, the conscientious priest can only say, "We must obey God rather than man."

But the Church herself, also, has always strictly regulated this matter of the publicity of Holy Matrimony. The English canon, requiring three publications of the banns, fixing the hour between eight and twelve in the forenoon, the place as the parish church of one of the parties, sufficiently shows that the English Church forbids clandestine marriage. The American Church, tolerating the absence of most of these precautions, has certainly not abolished them all. For the parish priest, according to her canon, is still the only lawful minister, in this as in any other religious rite; although license may be said to be tacitly given when he knows of the interference of another and does not protest against it. Clandestine marriage, then, must be defined as marriage celebrated without due cognizance of (1) the Church, (2) the State, and (3)—in the case of minors—the parents.

Clandestine marriage is grave sin in the parties and in a priest who sanctions it, except under the gravest necessity.

(Qu.: Is it not an unlawful clandestine marriage when the parties leave the State or the parish in order to evade the civil or the ecclesiastical law ?)

(d) There are certain seasons of the Christian year when the marriage of Christians, with its accompanying festivities, is unbecoming. Such seasons as Lent and Advent, therefore, are by the ancient ecclesiastical law of the Anglican Church prohibited seasons ; and although toleration of contrary custom may be held to be virtual abrogation of a purely positive law, yet, the reason for it still remaining, it must be held to be at least decent that the marriage at such seasons shall, if celebrated at all, be as quiet and private as the nature of the service admits. (e) A vow of celibacy, not duly released, is a prohibitory impediment. (Qu.: (f) If civil law bind the priest, when it is not in conflict with higher law, may not prohibitory impediments arise from this source ?)

(2) *Impedimenta dirimentia*. These make a marriage, in the view of the Church, void *ab initio*, although some of them may render it simply voidable in common law ; *i.e.*, the rights of marriage last until the sentence of the court annulling the marriage. Thus the children, if any, will be legitimate, etc.

These impediments, so far as Christian marriage is concerned, rest upon the law of the Church, for she has authority from Christ in this matter, since such authority is necessary for the government of the Christian society. The law of the state she cannot recognize, if any such law should interfere with her duty to the souls which are under her authority. For the Church alone has power in matters of religion, power to bind and to loose (S. Matt. xviii. 18).

The state, on the other hand, regulates only the outward civil contract, with its results. The education of children,

therefore, involves the same principles : they are destined to become citizens of the state, but they are already, by baptism, members of the household of God. The state has the right to demand that they be duly prepared for future citizenship, but the Church has the obligation and power to train them as members of the society to which they belong. If the Church does her duty to her children, what the state requires will be duly provided for, and the state will have no further claim in the matter.

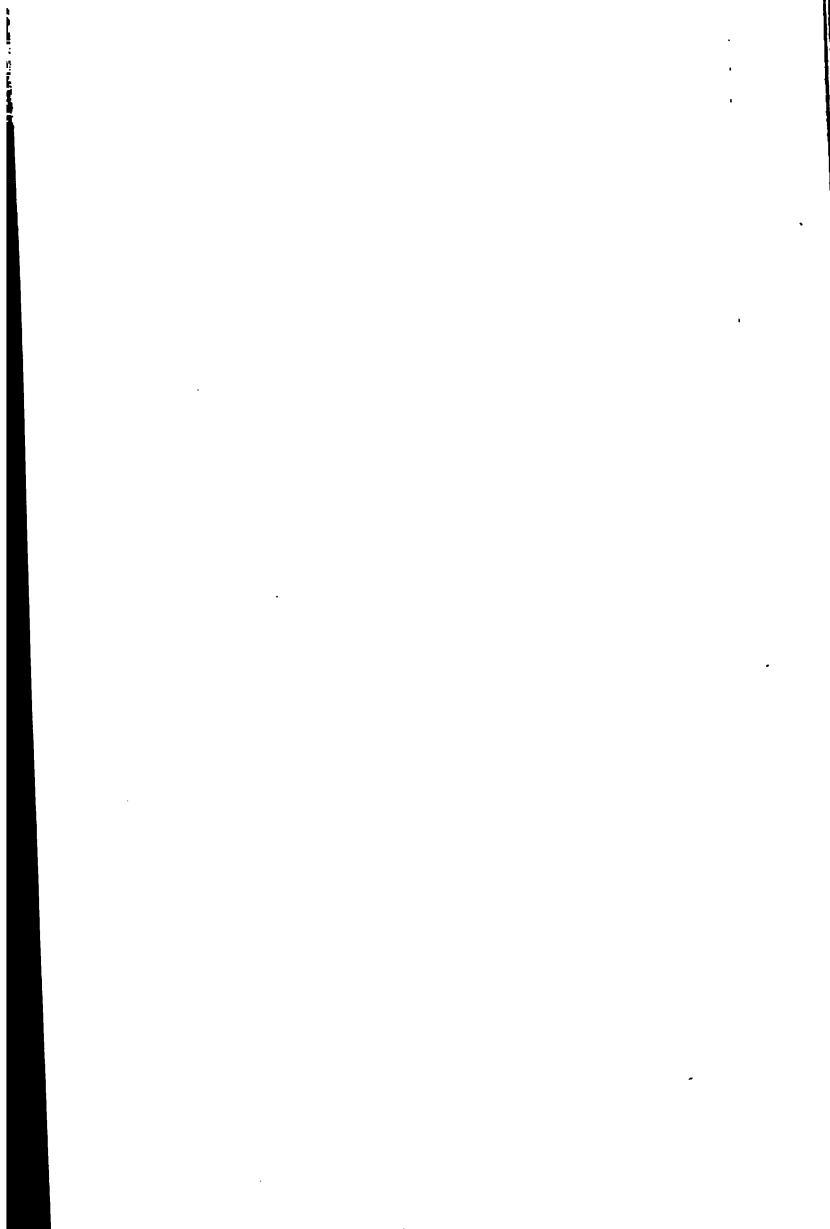
Invincible *ignorance* of an existing impediment does not render the marriage valid, for there was not in the beginning any true contract of marriage, and the law is not conditioned by the knowledge or the ignorance of those who are subject to it.

And, furthermore, although *prescription* may establish various civil claims—*e.g.*, in this case those of children—non-lapse of time can make wrong to become right, or render valid a union which was never Christian marriage at all. Separation *a thoro* appears to be the only alternative in such a case. The hardship of it is parallel with that of physical or mental disease.

These impediments, it will be observed, directly and primarily affect the nuptial contract ; indirectly, and secondarily, the marriage sacrament. They are :

(a) *Error*. This is either substantial or “accidental”—that is, it either concerns the person, or the qualities of the person. If the error were of the former kind, there was never any true contract, and the marriage was void *ab initio*. For consent is the cause of matrimony, as we have seen ; and what avoids consent, avoids matrimony. But consent, the act of the will, presupposes an understanding of what is consented to. This being absent, there is no true consent. This is the law of nature respecting contracts in general.

But there may be error, even with accompanying fraud, respecting the qualities of the person married. The person





is poor, sickly, quarrelsome, of intemperate habits, a widow, a false nobleman, etc. None of these things affect the essence of the contract, and it must stand, even if it would not have been made in case the circumstances were known. This is the law of both Church and state.

(b) *Consanguinity* is the natural relationship of those descended from the same father or mother, or both. As an impediment to marriage, it depends partly upon the law of nature, partly on Divinely revealed law, and partly upon human positive law. And these may establish different degrees of prohibitory consanguinity.

Observe that the question of legitimate descent does not enter into consideration.

The line of cognation is either direct or collateral ; direct, as between parent and child ; collateral, as between brother and sister. The student of the subject is liable to be confused at first in the numbering of degrees, since the civil law numbers in different mode from the canon law. It will be convenient for our purpose to adopt the degrees of the civil code, which reckons the number of persons concerned. Thus, either grandchild or sister stands in the second degree ; first cousins, in the third degree, etc.

According to the canon law, as will be seen in the accompanying table, brothers and sisters are related in the first degree, first cousins in the second degree ; the reckoning being made from the middle line. It will appear from the table that by ascending one more degree, and then descending to right and left, we should have cognates in the fourth degree, and so on. (See table of degrees.)

In the direct line, ascending and descending, consanguinity avoids marriage indefinitely. This is ruled by the law of nature. For the relation of husband and wife is inconsistent with that of parent and child. But the Divine revealed law goes further, and protects the family relation by prohibiting marriage to those who are ordinarily associated

already by the intimate ties of the family. In other words, marriage is prohibited within the third degree, inclusive (degrees of civil law). This is the Levitical code, and the law of the Anglican Church, and courts of common law will treat such marriages as voidable (Blackst. i. 434).

It will be observed that half-brothers and sisters count as those related through the same father and mother.

Positive canon law has varied in extending still further prohibited degrees. The modern Roman Church prohibits marriage within the fourth degree, inclusive (canonical degrees); but the law being merely a positive ecclesiastical regulation grounded on the already existing intimacy of the relatives, dispensation from it may be obtained when good reasons are presented.

The Church cannot claim the power of dispensing from Divine law; and the question must therefore present itself how far this law extends. Beyond brothers and sisters (*i.e.*, second degree), the question may possibly belong to positive ecclesiastical law.

(*c*) *Affinity*. This is created by conjugal union, whether licit or illicit. The Divine law says, "They are no more twain, but one flesh" (S. Matt. xix. 6). The husband becomes related to his wife's family as he is connected by blood with his own. And the wife takes the same position with respect to her husband's relatives. Affinity, therefore, according to the law of the Anglican Church and the common law, follows the same rules with consanguinity. The death of husband or wife leaves affinity unchanged, because, like consanguinity, it depends upon a past act which is unalterable; *sc.*, that man and wife have been conjoined and become one flesh; not that they are so conjoined.

S. Paul explicitly extends the principle here involved to unlawful concubinage (1 Cor. vi. 16).

This seems to rest upon a law of nature. For if affinity *create no such* cognation, a man might marry his step-

mother, which Revelation declares to be an abomination (Lev. xviii. 8). At the same time it is to be noticed that the limit of prohibitory degrees of affinity seems to be a question of positive Church law. And as the bond is not so close as that of consanguinity, marriages may be allowed in the one which would be prohibited in the other. So the Roman canons, extending prohibited affinity to the fourth degree (canonical degrees) in case of lawful union, set the limit at the second degree in case of unlawful union.

No affinity is created between the blood relations of husband and wife. Two brothers may marry two sisters, or father and son may marry mother and daughter; or the father may marry the daughter and his son may marry the mother, etc. "*Affinitas non parit affinitatem.*"

(d) *Fear or force.* For our purpose these are the same, since we mean by either of them an excessive disturbance of mind through fear of present or future danger of life or person. Such an excessive fear avoids marriage when the cause is external, the force unjust, and impelling to the contract. If these conditions be absent, fear does not annul the contract.

Parents may urge an unwelcome marriage upon a child. If a daughter were overwhelmed with fear of her parents' displeasure, it might be maintained that there was no free consent. But, on the other hand, the pressure exerted may be that of arguments and persuasions, and then the compulsion will be a moral force, not that which constitutes a true impediment to valid marriage.

The violence which avoids marriage is the carrying off of a woman under protest for the purpose of marriage.

If threats be used against a seducer to compel his promised marriage with his victim, the force is not unjust and the contract is valid.

(e) *Impotence.* Physical impotence or mental malady will annul the contract of matrimony; in the former case,

because of impossibility of fulfilling all of its obligations; in the latter case, because no contract is made, since that implies a deliberate and intelligent consent. Physical impotence, however, will not be a bar to a valid sacrament, if it be known to the parties married.

Since the contract is for life, neither of these, if it follow after marriage, can annul what has once been validly done.

(*f*) *Age*. Under seven years of age, a pretended marriage is absolutely void *ab initio*. Over that age it is voidable; *i.e.*, the party concerned, on reaching the age of legal consent or marriageable age, may annul the contract. The age at which marriage becomes valid, though unlawful—*i.e.*, the age of “legal consent”—is fixed by Church law and the common law at fourteen for males, and twelve for females. But note the changes made by laws in some of the United States. (See Blackst. i. 436.)

(*g*) *Crime*. Formal adultery—*i.e.*, the crime committed with knowledge of an existing marriage relation—is a bar to matrimony between the guilty parties. Two adulterers may not marry at the death of husband or wife.

Or if the lawful partner be murdered in order to marry another; if there were mutual conspiracy, it would be profaning holy things to give the Church's benediction on such a contract.

(Qu.: Suppose, in either of these cases, repentance, confession, absolution?)

(*h*) *Disparity of religion*. This can be no impediment to a valid civil contract sanctioned by the laws of the state to which the parties belong. But the case is altered if we have before us the Christian union which the Church contemplates. An unbaptized person is incapable of entering into it. Matrimony with such a person is not the sacrament of Holy Matrimony. The Church cannot give her

benediction upon the union, and the priest who should consciously repeat the words in such a case would be guilty of a profane fiction (2 Cor. vi. 14). For Christian marriage has for one of its chief goods the training of children as the children of God ; which, in the case supposed, is excluded by the wilful rejection of the baptismal covenant.

But since the contract lawfully made is valid matrimony so far as it goes, though it be imperfect matrimony from the Christian point of view, two wedded unbelievers received into Christ's fold will not be remarried, but may receive the nuptial benediction.

(Qu. : On the other hand, if the state annul their contract, will the Church regard it as binding on their conscience if they be converted to the Christian faith ?)

Special difficulties of conscience occur where one partner in the marriage tie is converted to the Christian faith and is baptized, while the other is not. Frequent as such cases are, the moral conditions vary extremely, and this brief manual is not the place for their discussion. Only it must be insisted on that laws of nature and the moral law of God are irreversible by any human power. And they are binding even on those who are ignorant of them, for they could know them if they would. On the other hand, ecclesiastical positive law can be suspended, the power of dispensation being in the Church which makes the law, and the exercise of that power in general being in the ordinary of the diocese where the case occurs. Such cases being frequent in the early Church, are partly ruled by S. Paul (1 Cor. vii.). The convert may not separate from the unbeliever, if no serious hindrance to the Christian life arise from the union ; children in such a family have claims which the Church must recognize, etc.

(Qu. 1. Suppose that the marriage has been one within the prohibited degrees. If it be prohibited by the Divine law, it remains unlawful. If prohibited only by the positive law of the Church, it may be sanctioned by the power of dispensation.

Qu. 2. Suppose, again, the frequent case of a convert where a second civil marriage has been consummated while there is still living a previously married husband or wife, the state having annulled the first contract. There has been no sacrament of Holy Matrimony in either marriage. What does the law of nature require concerning the permanence of the marriage tie, and can the state dispense from the law of nature ?

Qu. 3. Suppose that one of two so divorced parties becomes a convert to the Christian faith, is that person free to marry in the Lord if the unbeliever have fundamentally broken the marriage vow ?)

Denunciation of impediments. This is an obligation on every one who has reasonable ground of suspicion of their existence, whether those impediments are "*impedientia*" or "*dirimentia*." (See the preface to the Anglican marriage service.) Not even an oath to keep the objection secret will be binding against grave injury done to the community or to a third person.

(Qu. 1. Suppose a confidential communication officially made to the physician, the lawyer, the priest, not in confession, is not this a possible exception ?

Qu. 2. Suppose that grave injury will be done to the revealer of the impediment ?)

One credible witness presenting an impediment, even *impediens*, must stop the ceremony until the case can be investigated, due security for indemnification being provided. (See the rubric in the marriage service.)

Doubtful cases. Suppose that the parties to the proposed union are in doubt respecting the existence of an impediment to their union. The doubt may concern an impediment arising (1) from Divine law or the law of nature ; or, (2) from positive ecclesiastical law. The first will require *moral certainty* for a favourable decision, for the Church

cannot supply the defect by her power of dispensation ; *e.g.*, one supposes that his partner is dead (Enoch Arden). If the fact be not so, however strong has been the probability of it, and whatever civil authority may have decided, the second union will be no Christian marriage.

But, in the second case, if doubt remain after careful inquiry, and the doubt concern the fact, not the law, the marriage cannot be celebrated. But if the same doubt arise after marriage, under the same conditions the marriage must be regarded as valid.

(Qu : A case of special difficulty is where a marriage, invalid according to Divinely revealed law, has been already contracted in good faith—say, before the conversion of the party to it—and children's claims, etc., have arisen from it, and there is probability of infamy, scandal, etc., if its nullity be publicly exposed. Shall the material sin be left ? Is the case like that of restitution due, when the debtor is in good faith ? In such a case may restitution be left unrequited, if it be foreseen that admonition will work grave injury, and effect no countervailing good ?

A plain exception to the laxer course, if it be admitted at all, is (1) when the public good overrules the advantage of an individual ; (2) when the penitent's conscience is alarmed and asks the question of moral obligation and validity of marriage. Then, if the marriage were by Divine law void *ab initio*, let the penitent live as if unmarried.)

Rehabilitation. This is the perfecting of Christian marriage between parties who have lived together as man and wife. Its principles are implied in what has been already written, but they may be summed up in this place as follows :

(1) If there have been no true consent to matrimony, on one side or on both, such consent may be given privately, or before confidential witnesses, and the nuptial benediction received.

(2) If clandestine marriage have been duly blessed by a priest, the form is empty of blessing, but repentance may restore it. Or, if there have been a ceremony, binding, indeed, on conscience, but celebrated by some justice of the peace, some Protestant minister, or other person who cannot give the nuptial benediction, there may be a private perfecting of the marriage in the presence of confidential witnesses, without scandal or loss of good name. (Say, the latter part of the marriage service, "I pronounce, etc.," together with the blessing.)

(3) Suppose that public scandal has already been given by the conduct of the parties; their duty requires them to make public reparation by a public ceremony.

(Qu.: Suppose that only one of the two consents to this reparation; may not the bishop give dispensation, and a private ceremony be celebrated?)

(4) Again, there may have been an impediment known to exist at the time of marriage, so that the ceremony was null *ab initio*, and this impediment may have been afterwards removed. In such a case, the consent of the parties can be privately renewed; or, if the impediment be publicly known, the consent can be renewed before witnesses; that is, the marriage service which was null before will be duly celebrated.

§ 5. Divorce.

The inseparability of man and wife is part of the law of nature (S. Matt. xix. 4-6). God has joined them so that "they are no more twain, but one flesh;" and "what God hath [so] joined, let not man put asunder." Children are the common good of man and wife; the family relation is in its very nature a permanent one; and as this requires the indissoluble union of man and wife, such a union is part of nature's law.

But only the law of Christ has restored that perfect law *of nature to its due perfection.*

But if this be true of the marriage contract, much rather is it true of the sacrament of Holy Matrimony in the Church, a mystical representation of the inseparable union of Christ and the Church. In the life-time of husband or wife it is impossible for the other to be married again. The ceremony is a nullity (1 Cor. vii. 10, 39). Many of the United States confound divorce *a vinculo* with divorce *a mensa et thoro*. But the distinction is fundamental in Moral Theology, and well guarded in common law also.

Divorce a vinculo is based on *impedimenta dirimentia*, which must have existed at the time of the pretended nuptial contract. The Western Church, at least, including the Anglican canon law, allows no such divorce for crime occurring after marriage (Blackst. i. 441).

But compare the canon of the American Church, title ii. 13: "No minister of this Church shall solemnize matrimony in any case where there is a divorced wife or husband of either party still living; but this canon shall not be held to apply to the innocent party in a divorce for the cause of adultery," etc. This may seem to be sanctioning such a marriage "by indirection."

Per contra, in this difficult question note the arguments of S. Augustine, De Adult. Conj. (comparing with his Retract.) i. 6, 7, ad. fin., 22 ad fin.; ii. 1, etc. He seems to know no Church discipline in the matter; and naturally so, for marriages with unbelievers (as standing on a different basis), common as they were, would tend to confuse legislation. But he thinks that S. Matthew gives no warrant for remarriage.*

Does the innocent party cease to be spouse because of the other's guilt? Can an evil-doer thus annul a bilateral con-

* In S. Matt. xix. 9, the adultery of the wife is understood to be the ground of the putting her away, not the justification of a second marriage.

tract? If so, the guilty also is free to marry (the ordinary course in the United States). Divorce *a thoro* is not divorce *a vinculo* (a distinction easy to be overlooked in the ordinary quotations from primitive sources). Objection may be made (ii. 10) that this law of indissolubility is a severe one for the innocent. But incurable disease or any separation *a mensa et thoro* is equally so. A contentious, offensive, imperious wife is sent away; a good wife is abandoned by a drunken sot; is there freedom on both sides in such a case because of the manifest hardship? (Cp. Canon of 1603, No. 107.)

To the same effect S. Augustine argues in *De Bono Conjug.*, c. 7. The law of God is not subject to the varying and imperfect human law.

Divorce a thoro, whether sanctioned by the state or privately made, is certainly lawful for grave causes, for a serious breach of contract by one of the two parties may release the other from its obligations. The state does not make the divorce, but sanctions it with reference to the civil rights involved. This separation is permitted, not commanded (S. Matt. v. 32). The innocent may pardon the offence, even in case of adultery, not as condoning sin, but as forgiving the penitent; for divorce is not a penalty for the innocent (*Duct. Dubitant.* I. iv. 8).

There are cases, however, when sound morals will forbid a separation, even in case of adultery; *e.g.*, both parties may be equally guilty in this respect; or the innocent may have condoned the offence by subsequent cohabitation; or, after long absence, it may have been supposed that the absent partner is dead, etc.

This separation for good and sufficient reasons may be made by mutual consent, provided there be no danger of incontinence, or other grave injury.

Grave danger to body or soul—*e.g.*, danger of perversion or *apostasy*—may even make separation become a positive duty.

At the same time, it may be well to caution the inexperienced priest not to lend a ready ear to all complaints, especially of wives, but to remember that his office is that of peace-maker, not of encouraging separation and neglect of vows, where the other course is possible.

It will not be overlooked that man and woman in making the marriage contract are on a footing of absolute equality, and any breach of that contract is in itself of the same criminality, whether husband or wife be the guilty party, although the wife's sin may involve more injurious consequences, and so become a graver offence.

CHAPTER XII.

DUTIES AND OBLIGATIONS OF THE STATE AND OF THE CITIZEN.

THE state is a community of men living together for earthly ends, under one law and one government, whose function is to execute the law and defend the society against assaults from within, sedition, privy conspiracy and rebellion; treason and war from without.

The Divine law respecting the state is given, Rom. xiii. 1-7; Matt. xxii. 21.

(I.) *Its rights are:* (1) In the person of its duly constituted representatives, to be obeyed within its due limits. Herein its sanction is Divine, and obedience is part of the Gospel law.

But difficulty at once arises in determining those limits; the higher the functions of the state are placed the greater the difficulty. (See Dan. ii. 44.) In general, however, these limits are: (a) The moral law, the law of Christ, which is superior; and (b) the Catholic Church, as guardian of religion and morals, which, in her sphere, has a superior law. If any part of that church intrude on the secular sphere, *per contra*, the state is supreme.

(Cases: The Roman Catholic communion; the Mormons.)

(c) Personal rights or family rights, of both which the state is the appointed guardian. If the state touch these, its ordinance is null.

(2) The state has eminent domain over the lives and property of its citizens. For personal rights would be inoperative without the protection and order of civil society.

Both life and property, accordingly, are demanded in case of extreme need. Its law commonly accepts a man's last will and testament, but may annul them.

(3) The state has the right to make war in national defence, and to put down sedition by force. Therefore it has the right to use the lives and property of its citizens for this purpose.

Herein is clear proof that the state is an entity, and not a mere aggregate of individuals. For acts are done by men which, if privately done, would be robbery and murder (Whewell, v. § 837).

(4) The state has the right to punish, even with loss of life, for public and private wrongs (Rom. xiii. 4). For it has the right to do what is necessary for its existence (Qu. : The right to punish injury done to one's self, as a member of the state ?), and is bound to protect its citizens.

(5) It has the right of contract under the laws of commutative justice ; and

(6) In general, of all acts necessary to its preservation or its well-being. Such are to impose taxes (Rom. xiii. 6, 7), including tariffs ; to require the education of its children (Qu. : To try to educate them itself ?) ; to regulate or repress, by fine or other punishment, public vices which injure its social life (lotteries, gambling, drinking-saloons), even when these are not direct violations of the moral law.

(II.) *The obligations and duties of the state* correspond to its rights.

Through the ministry of those who are voters, and their representatives in executive, legislative, and judicial power, it is bound (a) to preserve itself in well-being, through national defence against enemies without and within, and for this end to provide and sustain an efficient army and police ; (b) to uphold and enforce the laws impartially with respect to all, high and low ; (c) to make just laws for the purposes of its own existence. Hence

arise the duties of civil station, in governors, legislators, judges, officers of the army, etc.

The special virtue of the state, therefore, and of those who represent it, is justice, both distributive, commutative, and retributive.

Further than this, the question has difficulty, because first must be decided what is the function of the state. Is it more than to protect the lives, liberty, property of its citizens, as a social police, leaving all other moral, intellectual, religious, and charitable functions to the voluntary association of its people? If so, we escape, to a large degree, the clashing of different means for similar ends. Is that government the best which governs least? The tendency just now is altogether in the opposite direction. (Bennett law in Wisconsin.)

Or has the state moral duties; *e.g.*, to promote purity and good living by repressing obscene publications, lotteries, etc.; to promote science by observatories, etc.; intelligence by universities, etc.; humanity by putting down the slave-trade, cruelty to animals, towards Indians; hospitals, asylums, poor-houses, etc.; education, however imperfect, by public schools? Or are all these the province of voluntary associations on the part of those only who approve, and agree in the means for promoting these objects?

If the former, we are logically led into the religious sphere, and a conflict of church and state ensues. Besides, that cannot be duty which cannot be well done.

Or, thirdly, while providing primarily for its own preservation and the social well-being of its members, may the state—*i.e.*, governors, judges, legislators—be indirectly influenced by moral considerations, without making them the primary object of action; *e.g.*, not enforcing immoral contracts, bets, etc.; choosing for necessary taxation what injures the moral standing of the people; providing schools for those not otherwise taught; aiding parochial schools, etc.?

Notice, also, that many laws—*e.g.*, marriage laws, punishments of crime, etc.—are indirectly auxiliaries to the moral education of the people, stamping with the reprobation of society what are also sins. Emanating from the conscience of a people who are generally Christian in their training, if not in their lives, they stamp with public reprobation vices which civilization, as such, cannot check. It did not in Greece or Rome; on the contrary, they grew with that civilization as they did in the renaissance of it.

Duties to the state correspond to the duties of the state, and need not be further developed. Respect, obedience, support, defence are implied, and these as Christian obligation. The state has divine right. What rights, is a debatable question (Whewell, § 881).

Sins against the state are, (1) sedition; if secret, privy conspiracy; if open force, rebellion; like schism, setting up a rival power against that which has Divine right. (2) Fraud, in depriving it of its just dues. (3) Treason (Whewell, § 883), in this nation, “giving aid and comfort” to its enemies. What has been said in Part III. of obligations to authorities can here, *mutatis mutandis*, be applied once more. But our space forbids more than this brief allusion to topics which, like so many previously introduced, can only receive a cursory glance in these first Elements of Moral Theology.

MISERERE, IESU.



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